

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 291

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Offered March 24, 2009.

Senate Substitute adopted, March 25, 2009.

Taken up for Perfection March 25, 2009. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

1475S.04P

AN ACT

To repeal sections 160.254, 160.400, 160.405, 160.410, 160.534, 160.730, 161.072, 161.122, 162.241, 162.291, 162.459, 162.492, 163.011, 163.043, 167.126, 167.275, 168.021, 168.221, 171.031, 177.088, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof fifty-four new sections relating to education, with an effective date for a certain section and an emergency clause for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 160.254, 160.400, 160.405, 160.410, 160.534, 160.730, 161.072, 161.122, 162.241, 162.291, 162.459, 162.492, 163.011, 163.043, 167.126, 167.275, 168.021, 168.221, 171.031, 177.088, 313.775, 313.778, and 313.822, RSMo, are repealed and fifty-four new sections enacted in lieu thereof, to be known as sections 160.254, 160.375, 160.400, 160.405, 160.410, 160.534, 160.800, 160.805, 160.810, 160.815, 160.820, 160.950, 161.072, 161.122, 161.380, 161.800, 161.850, 162.083, 162.204, 162.225, 162.227, 162.228, 162.229, 162.241, 162.291, 162.459, 162.492, 162.716, 162.1033, 162.1168, 162.1200, 162.1201, 162.1250, 163.011, 163.043, 163.095, 167.018, 167.019, 167.126, 167.275, 168.021, 168.221, 168.745, 168.747, 168.749, 168.750, 170.043, 170.400, 171.031, 177.088, 210.1050, 313.822, 1, and 2 to read as follows:

160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Education", which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 appointed by the president pro tem of the senate and the house members by the
6 speaker of the house.

7 2. The committee shall meet at least twice a year. In the event of three
8 consecutive absences on the part of any member, such member may be removed
9 from the committee.

10 3. The committee shall select either a chairman or cochairmen, one of
11 whom shall be a member of the senate and one a member of the house. A
12 majority of the members shall constitute a quorum. Meetings of the committee
13 may be called at such time and place as the chairman or chairmen designate.

14 4. The committee shall:

15 (1) Review and monitor the progress of education in the state's public
16 schools and institutions of higher education;

17 (2) Receive reports from the commissioner of education concerning the
18 public schools and from the commissioner of higher education concerning
19 institutions of higher education;

20 (3) Conduct a study and analysis of the public school system;

21 (4) Make recommendations to the general assembly for legislative action;

22 (5) Conduct an in-depth study concerning all issues relating to the equity
23 and adequacy of the distribution of state school aid, teachers' salaries, funding
24 for school buildings, and overall funding levels for schools and any other
25 education funding-related issues the committee deems relevant;

26 (6) Monitor the establishment of performance measures as required by
27 section 173.1006, RSMo, and report on their establishment to the governor and
28 the general assembly;

29 (7) Conduct studies and analysis regarding:

30 (a) The higher education system, including financing public higher
31 education and the provision of financial aid for higher education; and

32 (b) The feasibility of including students enrolled in proprietary schools,
33 as that term is defined in section 173.600, RSMo, in all state-based financial aid
34 programs;

35 (8) Annually review the collection of information under section 173.093,
36 RSMo, to facilitate a more accurate comparison of the actual costs at public and
37 private higher education institutions;

38 (9) Within three years of August 28, 2007, review a new model for the
39 funding of public higher education institutions upon submission of such model by
40 the coordinating board for higher education;

41 (10) Within three years of August 28, 2007, review the impact of the
42 higher education student funding act established in sections 173.1000 to
43 173.1006;

44 (11) Beginning August 28, 2008, upon review, approve or deny any
45 expenditures made by the commissioner of education pursuant to section 160.530,
46 as provided in subsection 5 of section 160.530.

47 **5. During the legislative interim between the first regular session**
48 **of the ninety-fifth general assembly through January 29, 2010, of the**
49 **second regular session of the ninety-fifth general assembly, the joint**
50 **committee on education shall study the issue of open enrollment for**
51 **public school students across school district boundary lines in this**
52 **state. In studying this issue, the joint committee may solicit input and**
53 **information necessary to fulfill its obligation, including but not limited**
54 **to soliciting input and information from any state department, state**
55 **agency, school district, political subdivisions of this state, teachers, and**
56 **the general public. The joint committee shall prepare a final report,**
57 **together with its recommendations for any legislative action deemed**
58 **necessary for submission to the general assembly by December 31, 2009.**

59 **6.** The committee may make reasonable requests for staff assistance from
60 the research and appropriations staffs of the house and senate and the committee
61 on legislative research, as well as the department of elementary and secondary
62 education, the department of higher education, the coordinating board for higher
63 education, the state tax commission, the department of economic development, all
64 school districts and other political subdivisions of this state, teachers and teacher
65 groups, business and other commercial interests and any other interested
66 persons.

67 **[6.] 7.** Members of the committee shall receive no compensation but may
68 be reimbursed for reasonable and necessary expenses associated with the
69 performance of their official duties.

160.375. 1. There is hereby established the "Missouri Senior
2 **Cadets Program", which shall be administered by the department of**
3 **elementary and secondary education. The program shall encourage**
4 **high school seniors to mentor kindergarten through eighth grade**
5 **students in their respective school districts for a minimum of ten hours**
6 **per week during the school year.**

7 **2. In order to be a mentor in the program, a student must:**

- 8 (1) Be a Missouri resident who attends a Missouri high school;
9 (2) Possess a cumulative grade point average of at least three on
10 a four-point scale or equivalent; and
11 (3) Plan to attend college.

12 3. The department of elementary and secondary education shall
13 promulgate rules to implement this section, which shall include, but
14 may not be limited to, guidelines for school districts and mentors in the
15 program. Any rule or portion of a rule, as that term is defined in
16 section 536.010, RSMo, that is created under the authority delegated in
17 this section shall become effective only if it complies with and is
18 subject to all of the provisions of chapter 536, RSMo, and, if applicable,
19 section 536.028, RSMo. This section and chapter 536, RSMo, are
20 nonseverable and if any of the powers vested with the general assembly
21 pursuant to chapter 536, RSMo, to review, to delay the effective date,
22 or to disapprove and annul a rule are subsequently held
23 unconstitutional, then the grant of rulemaking authority and any rule
24 proposed or adopted after August 28, 2009, shall be invalid and void.

25 4. The mentor shall work with the school principal, classroom
26 teachers, and other applicable school personnel in planning and
27 implementing the mentoring plan. Such mentoring may occur before,
28 during, or after school.

29 5. If a mentor in the program successfully provides mentoring
30 services for an average of at least ten hours per week during a school
31 year, the following shall apply:

32 (1) The mentor shall receive one hour of elective class credit,
33 which may satisfy graduation requirements; and

34 (2) Should the mentor attend college with the stated intention of
35 becoming a teacher, the mentor shall be reimbursed, subject to
36 appropriation, by the department of elementary and secondary
37 education for the costs of three credit hours per semester for a total of
38 no more than eight semesters.

39 6. There is hereby established in the state treasury a fund to be
40 known as the "Missouri Senior Cadets Fund", which shall consist of all
41 moneys that may be appropriated to it by the general assembly, and in
42 addition may include any gifts, contributions, grants, or bequests
43 received from federal, state, private, or other sources. The fund shall
44 be administered by the department of elementary and secondary

45 **education. The state treasurer shall be custodian of the fund and may**
46 **approve disbursements from the fund in accordance with sections**
47 **30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall**
48 **be used solely for the administration of the Missouri senior cadets**
49 **program. Notwithstanding the provisions of section 33.080, RSMo, to**
50 **the contrary, any moneys remaining in the fund at the end of the**
51 **biennium shall not revert to the credit of the general revenue**
52 **fund. The state treasurer shall invest moneys in the fund in the same**
53 **manner as other funds are invested. Any interest and moneys earned**
54 **on such investments shall be credited to the fund.**

55 **7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

56 **(1) Any new program authorized under this section shall**
57 **automatically sunset six years after the effective date of this section**
58 **unless reauthorized by an act of the general assembly; and**

59 **(2) If such program is reauthorized, the program authorized**
60 **under this section shall automatically sunset twelve years after the**
61 **effective date of the reauthorization of this section; and**

62 **(3) This section shall terminate on September first of the**
63 **calendar year immediately following the calendar year in which a**
64 **program authorized under this section is sunset.**

160.400. 1. A charter school is an independent public school.

2 2. Charter schools may be operated only in a metropolitan school district
3 or in an urban school district containing most or all of a city with a population
4 greater than three hundred fifty thousand inhabitants and may be sponsored by
5 any of the following:

6 (1) The school board of the district;

7 (2) A public four-year college or university with its primary campus in the
8 school district or in a county adjacent to the county in which the district is
9 located, with an approved teacher education program that meets regional or
10 national standards of accreditation;

11 (3) A community college located in the district; or

12 (4) Any private four-year college or university located in a city not within
13 a county with an enrollment of at least one thousand students, and with an
14 approved teacher preparation program.

15 3. The mayor of a city not within a county may request a sponsor under
16 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a

17 workplace charter school, which is defined for purposes of sections 160.400 to
18 160.420 as a charter school with the ability to target prospective students whose
19 parent or parents are employed in a business district, as defined in the charter,
20 which is located in the city.

21 4. No sponsor shall receive from an applicant for a charter school any fee
22 of any type for the consideration of a charter, nor may a sponsor condition its
23 consideration of a charter on the promise of future payment of any kind.

24 5. The charter school shall be a Missouri nonprofit corporation
25 incorporated pursuant to chapter 355, RSMo. The charter provided for herein
26 shall constitute a contract between the sponsor and the charter school.

27 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo,
28 the charter school shall select the method for election of officers pursuant to
29 section 355.326, RSMo, based on the class of corporation selected. Meetings of
30 the governing board of the charter school shall be subject to the provisions of
31 sections 610.010 to 610.030, RSMo, the open meetings law.

32 7. A sponsor of a charter school, its agents and employees are not liable
33 for any acts or omissions of a charter school that it sponsors, including acts or
34 omissions relating to the charter submitted by the charter school, the operation
35 of the charter school and the performance of the charter school.

36 8. A charter school may affiliate with a four-year college or university,
37 including a private college or university, or a community college as otherwise
38 specified in subsection 2 of this section when its charter is granted by a sponsor
39 other than such college, university or community college. Affiliation status
40 recognizes a relationship between the charter school and the college or university
41 for purposes of teacher training and staff development, curriculum and
42 assessment development, use of physical facilities owned by or rented on behalf
43 of the college or university, and other similar purposes. The primary campus of
44 the college or university must be located within the county in which the school
45 district lies wherein the charter school is located or in a county adjacent to the
46 county in which the district is located. A university, college or community college
47 may not charge or accept a fee for affiliation status.

48 9. The expenses associated with sponsorship of charter schools shall be
49 defrayed by the department of elementary and secondary education retaining one
50 and five-tenths percent of the amount of state and local funding allocated to the
51 charter school under section 160.415, not to exceed one hundred twenty-five
52 thousand dollars, adjusted for inflation. Such amount shall not be withheld when

53 the sponsor is a school district or the state board of education. The department
54 of elementary and secondary education shall remit the retained funds for each
55 charter school to the school's sponsor, provided the sponsor remains in good
56 standing by fulfilling its sponsorship obligations under sections 160.400 to
57 160.420 and 167.349, RSMo, with regard to each charter school it sponsors,
58 **including appropriate demonstration of the following:**

59 **(1) Expends no less than ninety percent of its charter school**
60 **sponsorship funds in support of its charter school sponsorship**
61 **program, or as a direct investment in the sponsored schools;**

62 **(2) Maintains a comprehensive application process that follows**
63 **fair procedures and rigorous criteria and grants charters only to those**
64 **developers who demonstrate strong capacity for establishing and**
65 **operating a quality charter school;**

66 **(3) Negotiates contracts with charter schools that clearly**
67 **articulate the rights and responsibilities of each party regarding school**
68 **autonomy, expected outcomes, measures for evaluating success or**
69 **failure, performance consequences, and other material terms;**

70 **(4) Conducts contract oversight that evaluates performance,**
71 **monitors compliance, informs intervention and renewal decisions, and**
72 **ensures autonomy provided under applicable law; and**

73 **(5) Designs and implements a transparent and rigorous process**
74 **that uses comprehensive data to make merit-based renewal decisions.**

75 10. No university, college or community college shall grant a charter to
76 a nonprofit corporation if an employee of the university, college or community
77 college is a member of the corporation's board of directors.

78 11. No sponsor shall grant a charter under sections 160.400 to 160.420
79 and 167.349, RSMo, without ensuring that a criminal background check and child
80 abuse registry check are conducted for all members of the governing board of the
81 charter schools or the incorporators of the charter school if initial directors are
82 not named in the articles of incorporation, nor shall a sponsor renew a charter
83 without ensuring a criminal background check and child abuse registry check are
84 conducted for each member of the governing board of the charter school.

85 12. No member of the governing board of a charter school shall hold any
86 office or employment from the board or the charter school while serving as a
87 member, nor shall the member have any substantial interest, as defined in
88 section 105.450, RSMo, in any entity employed by or contracting with the board.

89 No board member shall be an employee of a company that provides substantial
90 services to the charter school. All members of the governing board of the charter
91 school shall be considered decision-making public servants as defined in section
92 105.450, RSMo, for the purposes of the financial disclosure requirements
93 contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

94 13. A sponsor shall provide timely submission to the state board of
95 education of all data necessary to demonstrate that the sponsor is in material
96 compliance with all requirements of sections 160.400 to 160.420 and 167.349,
97 RSMo.

98 14. The state board of education shall ensure each sponsor is in
99 compliance with all requirements under sections 160.400 to 160.420 and 167.349,
100 RSMo, for each charter school sponsored by any sponsor. The state board shall
101 notify each sponsor of the standards for sponsorship of charter schools,
102 delineating both what is mandated by statute and what best practices
103 dictate. The state board, after a public hearing, may require remedial action for
104 a sponsor that it finds has not fulfilled its obligations of sponsorship, such
105 remedial actions including withholding the sponsor's funding and suspending for
106 a period of up to one year the sponsor's authority to sponsor a school that it
107 currently sponsors or to sponsor any additional school. If the state board removes
108 the authority to sponsor a currently operating charter school, the state board
109 shall become the interim sponsor of the school for a period of up to three years
110 until the school finds a new sponsor or until the charter contract period lapses.

160.405. 1. A person, group or organization seeking to establish a charter
2 school shall submit the proposed charter, as provided in this section, to a sponsor.
3 If the sponsor is not a school board, the applicant shall give a copy of its
4 application to the school board of the district in which the charter school is to be
5 located and to the state board of education, within five business days of the date
6 the application is filed with the proposed sponsor. The school board may file
7 objections with the proposed sponsor, and, if a charter is granted, the school
8 board may file objections with the state board of education. The charter shall
9 include a mission statement for the charter school, a description of the charter
10 school's organizational structure and bylaws of the governing body, which will be
11 responsible for the policy and operational decisions of the charter school, a
12 financial plan for the first three years of operation of the charter school including
13 provisions for annual audits, a description of the charter school's policy for
14 securing personnel services, its personnel policies, personnel qualifications, and

15 professional development plan, a description of the grades or ages of students
16 being served, the school's calendar of operation, which shall include at least the
17 equivalent of a full school term as defined in section 160.011, and an outline of
18 criteria specified in this section designed to measure the effectiveness of the
19 school. The charter shall also state:

20 (1) The educational goals and objectives to be achieved by the charter
21 school;

22 (2) A description of the charter school's educational program and
23 curriculum;

24 (3) The term of the charter, which shall be not less than five years, nor
25 greater than ten years and shall be renewable;

26 (4) A description of the charter school's pupil performance standards,
27 which must meet the requirements of subdivision (6) of subsection 5 of this
28 section. The charter school program must be designed to enable each pupil to
29 achieve such standards;

30 (5) A description of the governance and operation of the charter school,
31 including the nature and extent of parental, professional educator, and
32 community involvement in the governance and operation of the charter school;
33 and

34 (6) A description of the charter school's policies on student discipline and
35 student admission, which shall include a statement, where applicable, of the
36 validity of attendance of students who do not reside in the district but who may
37 be eligible to attend under the terms of judicial settlements.

38 2. Proposed charters shall be subject to the following requirements:

39 (1) A charter may be approved when the sponsor determines that the
40 requirements of this section are met and determines that the applicant is
41 sufficiently qualified to operate a charter school. The sponsor's decision of
42 approval or denial shall be made within ninety days of the filing of the proposed
43 charter;

44 (2) If the charter is denied, the proposed sponsor shall notify the applicant
45 in writing as to the reasons for its denial and forward a copy to the state board
46 of education within five business days following the denial;

47 (3) If a proposed charter is denied by a sponsor, the proposed charter may
48 be submitted to the state board of education, along with the sponsor's written
49 reasons for its denial. If the state board determines that the applicant meets the
50 requirements of this section, that the applicant is sufficiently qualified to operate

51 the charter school, and that granting a charter to the applicant would be likely
52 to provide educational benefit to the children of the district, the state board may
53 grant a charter and act as sponsor of the charter school. The state board shall
54 review the proposed charter and make a determination of whether to deny or
55 grant the proposed charter within sixty days of receipt of the proposed charter,
56 provided that any charter to be considered by the state board of education under
57 this subdivision shall be submitted no later than March first prior to the school
58 year in which the charter school intends to begin operations. The state board of
59 education shall notify the applicant in writing as the reasons for its denial, if
60 applicable; and

61 (4) The sponsor of a charter school shall give priority to charter school
62 applicants that propose a school oriented to high-risk students and to the reentry
63 of dropouts into the school system. If a sponsor grants three or more charters,
64 at least one-third of the charters granted by the sponsor shall be to schools that
65 actively recruit dropouts or high-risk students as their student body and address
66 the needs of dropouts or high-risk students through their proposed mission,
67 curriculum, teaching methods, and services. For purposes of this subsection, a
68 "high-risk" student is one who is at least one year behind in satisfactory
69 completion of course work or obtaining credits for graduation, pregnant or a
70 parent, homeless or has been homeless sometime within the preceding six
71 months, has limited English proficiency, has been suspended from school three
72 or more times, is eligible for free or reduced-price school lunch, or has been
73 referred by the school district for enrollment in an alternative
74 program. "Dropout" shall be defined through the guidelines of the school core
75 data report. The provisions of this subsection do not apply to charters sponsored
76 by the state board of education.

77 3. If a charter is approved by a sponsor, the charter application shall be
78 submitted to the state board of education, along with a statement of finding that
79 the application meets the requirements of sections 160.400 to 160.420 and section
80 167.439, RSMo, and a monitoring plan under which the charter sponsor will
81 evaluate the academic performance of students enrolled in the charter
82 school. The state board of education may, within sixty days, disapprove the
83 granting of the charter. The state board of education may disapprove a charter
84 on grounds that the application fails to meet the requirements of sections 160.400
85 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed
86 to meet the statutory responsibilities of a charter sponsor.

87 4. Any disapproval of a charter pursuant to subsection 3 of this section
88 shall be subject to judicial review pursuant to chapter 536, RSMo.

89 5. A charter school shall, as provided in its charter:

90 (1) Be nonsectarian in its programs, admission policies, employment
91 practices, and all other operations;

92 (2) Comply with laws and regulations of the state, county, or city relating
93 to health, safety, and state minimum educational standards, as specified by the
94 state board of education, including the requirements relating to student discipline
95 under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of
96 criminal conduct to law enforcement authorities under sections 167.115 to
97 167.117, RSMo, academic assessment under section 160.518, transmittal of school
98 records under section 167.020, RSMo, and the minimum number of school days
99 and hours required under section 160.041;

100 (3) Except as provided in sections 160.400 to 160.420, be exempt from all
101 laws and rules relating to schools, governing boards and school districts;

102 (4) Be financially accountable, use practices consistent with the Missouri
103 financial accounting manual, provide for an annual audit by a certified public
104 accountant, publish audit reports and annual financial reports as provided in
105 chapter 165, RSMo, provided that the annual financial report may be published
106 on the department of elementary and secondary education's Internet web site in
107 addition to other publishing requirements, and provide liability insurance to
108 indemnify the school, its board, staff and teachers against tort claims. A charter
109 school that receives local educational agency status under subsection 6 of this
110 section shall meet the requirements imposed by the Elementary and Secondary
111 Education Act for audits of such agencies. For purposes of an audit by petition
112 under section 29.230, RSMo, a charter school shall be treated as a political
113 subdivision on the same terms and conditions as the school district in which it is
114 located. For the purposes of securing such insurance, a charter school shall be
115 eligible for the Missouri public entity risk management fund pursuant to section
116 537.700, RSMo. A charter school that incurs debt must include a repayment plan
117 in its financial plan;

118 (5) Provide a comprehensive program of instruction for at least one grade
119 or age group from kindergarten through grade twelve, which may include early
120 childhood education if funding for such programs is established by statute, as
121 specified in its charter;

122 (6) (a) Design a method to measure pupil progress toward the pupil

123 academic standards adopted by the state board of education pursuant to section
124 160.514, collect baseline data during at least the first three years for determining
125 how the charter school is performing and to the extent applicable, participate in
126 the statewide system of assessments, comprised of the essential skills tests and
127 the nationally standardized norm-referenced achievement tests, as designated by
128 the state board pursuant to section 160.518, complete and distribute an annual
129 report card as prescribed in section 160.522, which shall also include a statement
130 that background checks have been completed on the charter school's board
131 members, report to its sponsor, the local school district, and the state board of
132 education as to its teaching methods and any educational innovations and the
133 results thereof, and provide data required for the study of charter schools
134 pursuant to subsection 4 of section 160.410. No charter school will be considered
135 in the Missouri school improvement program review of the district in which it is
136 located for the resource or process standards of the program.

137 (b) For proposed high risk or alternative charter schools, sponsors shall
138 approve performance measures based on mission, curriculum, teaching methods,
139 and services. Sponsors shall also approve comprehensive academic and
140 behavioral measures to determine whether students are meeting performance
141 standards on a different time frame as specified in that school's charter. Student
142 performance shall be assessed comprehensively to determine whether a high risk
143 or alternative charter school has documented adequate student progress. Student
144 performance shall be based on sponsor-approved comprehensive measures as well
145 as standardized public school measures. Annual presentation of charter school
146 report card data to the department of elementary and secondary education, the
147 state board, and the public shall include comprehensive measures of student
148 progress.

149 (c) Nothing in this paragraph shall be construed as permitting a charter
150 school to be held to lower performance standards than other public schools within
151 a district; however, the charter of a charter school may permit students to meet
152 performance standards on a different time frame as specified in its charter;

153 (7) Assure that the needs of special education children are met in
154 compliance with all applicable federal and state laws and regulations;

155 (8) Provide along with any request for review by the state board of
156 education the following:

157 (a) Documentation that the applicant has provided a copy of the
158 application to the school board of the district in which the charter school is to be

159 located, except in those circumstances where the school district is the sponsor of
160 the charter school; and

161 (b) A statement outlining the reasons for approval or disapproval by the
162 sponsor, specifically addressing the requirements of sections 160.400 to 160.420
163 and 167.349, RSMo.

164 6. The charter of a charter school may be amended at the request of the
165 governing body of the charter school and on the approval of the sponsor. The
166 sponsor and the governing board and staff of the charter school shall jointly
167 review the school's performance, management and operations at least once every
168 two years or at any point where the operation or management of the charter
169 school is changed or transferred to another entity, either public or private. The
170 governing board of a charter school may amend the charter, if the sponsor
171 approves such amendment, or the sponsor and the governing board may reach an
172 agreement in writing to reflect the charter school's decision to become a local
173 educational agency for the sole purpose of seeking direct access to federal grants.
174 In such case the sponsor shall give the department of elementary and secondary
175 education written notice no later than March first of any year, with the
176 agreement to become effective July first. The department may waive the March
177 first notice date in its discretion. The department shall identify and furnish a list
178 of its regulations that pertain to local educational agencies to such schools within
179 thirty days of receiving such notice.

180 7. (1) A sponsor [may] **shall revoke a charter or take other**
181 **appropriate remedial action, which may include placing the charter**
182 **school on probationary status**, at any time if the charter school commits a
183 serious breach of one or more provisions of its charter or on any of the following
184 grounds: failure to meet academic performance standards as set forth in its
185 charter, failure to meet generally accepted standards of fiscal management,
186 failure to provide information necessary to confirm compliance with all provisions
187 of the charter and sections 160.400 to 160.420 and 167.349, RSMo, within
188 forty-five days following receipt of written notice requesting such information, or
189 violation of law.

190 (2) The sponsor may place the charter school on probationary status to
191 allow the implementation of a remedial plan, which may require a change of
192 methodology, a change in leadership, or both, after which, if such plan is
193 unsuccessful, the charter may be revoked.

194 (3) At least sixty days before acting to revoke a charter, the sponsor shall

195 notify the governing board of the charter school of the proposed action in
196 writing. The notice shall state the grounds for the proposed action. The school's
197 governing board may request in writing a hearing before the sponsor within two
198 weeks of receiving the notice.

199 (4) The sponsor of a charter school shall establish procedures to conduct
200 administrative hearings upon determination by the sponsor that grounds exist to
201 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant
202 to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

203 (5) A termination shall be effective only at the conclusion of the school
204 year, unless the sponsor determines that continued operation of the school
205 presents a clear and immediate threat to the health and safety of the children.

206 (6) A charter sponsor shall make available the school accountability report
207 card information as provided under section 160.522 and the results of the
208 academic monitoring required under subsection 3 of this section.

209 8. A sponsor shall take all reasonable steps necessary to confirm that each
210 charter school sponsored by such sponsor is in material compliance and remains
211 in material compliance with all material provisions of the charter and sections
212 160.400 to 160.420 and 167.349, RSMo. Every charter school shall provide all
213 information necessary to confirm ongoing compliance with all provisions of its
214 charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner
215 to its sponsor.

216 9. A school district may enter into a lease with a charter school for
217 physical facilities.

218 10. A governing board or a school district employee who has control over
219 personnel actions shall not take unlawful reprisal against another employee at
220 the school district because the employee is directly or indirectly involved in an
221 application to establish a charter school. A governing board or a school district
222 employee shall not take unlawful reprisal against an educational program of the
223 school or the school district because an application to establish a charter school
224 proposes the conversion of all or a portion of the educational program to a charter
225 school. As used in this subsection, "unlawful reprisal" means an action that is
226 taken by a governing board or a school district employee as a direct result of a
227 lawful application to establish a charter school and that is adverse to another
228 employee or an educational program.

229 11. Charter school board members shall be subject to the same liability
230 for acts while in office as if they were regularly and duly elected members of

231 school boards in any other public school district in this state. The governing
232 board of a charter school may participate, to the same extent as a school board,
233 in the Missouri public entity risk management fund in the manner provided
234 under sections 537.700 to 537.756, RSMo.

235 12. Any entity, either public or private, operating, administering, or
236 otherwise managing a charter school shall be considered a quasi-public
237 governmental body and subject to the provisions of sections 610.010 to 610.035,
238 RSMo.

239 13. The chief financial officer of a charter school shall maintain:

240 (1) A surety bond in an amount determined by the sponsor to be
241 adequate based on the cash flow of the school; or

242 (2) **An insurance policy issued by an insurance company licensed**
243 **to do business in Missouri on all employees in the amount of five**
244 **hundred thousand dollars or more that provides coverage in the event**
245 **of employee theft.**

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban
4 voluntary transfer program; and

5 (3) In the case of a workplace charter school, any student eligible to
6 attend under subdivision (1) or (2) of this subsection whose parent is employed
7 in the business district, who submits a timely application, unless the number of
8 applications exceeds the capacity of a program, class, grade level or building. The
9 configuration of a business district shall be set forth in the charter and shall not
10 be construed to create an undue advantage for a single employer or small number
11 of employers.

12 2. If capacity is insufficient to enroll all pupils who submit a timely
13 application, the charter school shall have an admissions process that assures all
14 applicants of an equal chance of gaining admission except that:

15 (1) A charter school may establish a geographical area around the school
16 whose residents will receive a preference for enrolling in the school, provided that
17 such preferences do not result in the establishment of racially or
18 socioeconomically isolated schools and provided such preferences conform to
19 policies and guidelines established by the state board of education; and

20 (2) A charter school may also give a preference for admission of children
21 whose siblings attend the school or whose parents are employed at the school or

22 in the case of a workplace charter school, a child whose parent is employed in the
23 business district or at the business site of such school.

24 3. A charter school shall not limit admission based on race, ethnicity,
25 national origin, disability, gender, income level, proficiency in the English
26 language or athletic ability, but may limit admission to pupils within a given age
27 group or grade level.

28 4. The department of elementary and secondary education shall
29 commission a study of the performance of students at each charter school in
30 comparison with [a comparable] **an equivalent group of district students**
31 **representing an equivalent demographic and geographic population** and
32 a study of the impact of charter schools upon **the constituents they serve in**
33 the districts in which they are located, to be conducted by a contractor selected
34 through a request for proposal. **The department of elementary and**
35 **secondary education shall coordinate the request for proposal process**
36 **in conjunction with individuals representing charter public schools and**
37 **the districts in which the charter schools are located.** The department of
38 elementary and secondary education shall reimburse the contractor from funds
39 appropriated by the general assembly for the purpose. The study of a charter
40 school's student performance in relation to a comparable group shall be designed
41 to provide information that would allow parents and educators to make valid
42 comparisons of academic performance between the charter school's students and
43 **[a] an equivalent group of district students [comparable to the students**
44 **enrolled in the charter school] representing an equivalent demographic and**
45 **geographic population. The student performance assessment and**
46 **comparison shall include, but may not be limited to, as prescribed by**
47 **the request for proposal:**

48 (1) Missouri assessment program test performance and aggregate
49 growth over several years;

50 (2) Student re-enrollment rates;

51 (3) Educator, parent, and student satisfaction data;

52 (4) Graduation rates in secondary programs; and

53 (5) Performance of students enrolled in the same public school
54 for three or more consecutive years.

55 The impact study shall be undertaken every two years to determine the [effect]
56 **impact** of charter schools on [education stakeholders] **the constituents they**
57 **serve** in the districts where charter schools are operated. The impact study

58 [may] **shall** include, but is not limited to, determining if changes have been made
59 in district policy or procedures attributable to the charter school and to perceived
60 changes in attitudes and expectations on the part of district personnel, school
61 board members, parents, students, the business community and other education
62 stakeholders. The department of elementary and secondary education shall make
63 the results of the studies public and shall deliver copies to the governing boards
64 of the charter schools, the sponsors of the charter schools, the school board and
65 superintendent of the districts in which the charter schools are operated.

66 5. A charter school shall make available for public inspection, and provide
67 upon request, to the parent, guardian, or other custodian of any school-age pupil
68 resident in the district in which the school is located the following information:

69 (1) The school's charter;

70 (2) The school's most recent annual report card published according to
71 section 160.522; and

72 (3) The results of background checks on the charter school's board
73 members.

74 The charter school may charge reasonable fees, not to exceed the rate specified
75 in section 610.026, RSMo, for furnishing copies of documents under this
76 subsection.

160.534. 1. For fiscal year 1996 and each subsequent fiscal year, any
2 amount of the excursion gambling boat proceeds deposited in the gaming proceeds
3 for education fund in excess of the amount transferred to the school district bond
4 fund as provided in section 164.303, RSMo, shall be transferred to the classroom
5 trust fund. Such moneys shall be distributed in the manner provided in section
6 163.043, RSMo.

7 2. Starting in fiscal year 2009, and for each subsequent fiscal year, all
8 excursion gambling boat proceeds deposited in the gaming proceeds for education
9 fund in excess of the amount transferred to the classroom trust fund for fiscal
10 year 2008 plus the amount appropriated to the school district bond fund in
11 accordance with section 164.303, RSMo, shall be deposited into the schools first
12 elementary and secondary education improvement fund. **The provisions of this**
13 **subsection shall terminate on July 1, 2010.**

14 3. The amounts deposited in the schools first elementary and secondary
15 education improvement fund pursuant to this section shall constitute new and
16 additional funding for elementary and secondary education and shall not be used
17 to replace existing funding provided for elementary and secondary

18 education. The provisions of this subsection shall terminate on July 1,
19 2009.

160.800. The governor may, on behalf of the state and in
2 accordance with chapter 355, RSMo, establish a private not-for-profit
3 corporation named the "P-20 Council", to carry out the provisions of
4 sections 160.800 to 160.820. As used in this section, the word
5 "corporation" means the P-20 council authorized by this section. Before
6 certification by the governor, the corporation shall conduct a public
7 hearing for the purpose of giving all interested parties an opportunity
8 to review and comment upon the articles of incorporation, bylaws, and
9 method of operation of the corporation. Notice of hearing shall be
10 given at least fourteen days prior to the hearing.

160.805. 1. The articles of incorporation and bylaws of the
2 corporation shall provide that the purpose of the corporation is to
3 create a more efficient and effective education system that more
4 adequately prepares students for the challenges of entering the
5 workforce.

6 2. The board of directors of the corporation shall be composed
7 of thirteen members. The governor shall annually appoint one of its
8 members, who shall be employed in the private sector, as
9 chairperson. The board shall consist of the following members:

10 (1) The director of the department of economic development;

11 (2) The commissioner of higher education;

12 (3) The chairperson of the coordinating board for higher
13 education;

14 (4) The president of the state board of education;

15 (5) The chairperson of the coordinating board of early childhood;

16 (6) The commissioner of education;

17 (7) Seven members appointed by the governor. Two members
18 shall represent higher education institutions, one two-year institution
19 and one four-year institution; two members shall represent elementary
20 and secondary schools; two members shall represent the private, for-
21 profit business sector; and one member shall represent an early
22 childhood education provider.

23 3. Each member of the board of directors of the corporation
24 appointed by the governor shall serve for a term of four years. Of the
25 directors initially appointed to the board of directors by the governor,

26 two directors shall be designated by the governor to serve a term of
27 four years, two directors shall be designated to serve a term of three
28 years, two directors shall be designated to serve a term of two years,
29 and one director shall be designated to serve a term of one
30 year. Thereafter, directors shall serve a term of four years. Each
31 director shall continue to serve until a successor is duly appointed by
32 the governor.

33 4. The corporation may receive money from any source, may
34 borrow money, may enter into contracts, and may expend money for
35 any activities appropriate to its purpose.

36 5. The corporation may appoint staff and do all other things
37 necessary or incidental to carrying out the functions listed in sections
38 160.800 to 160.820.

39 6. Any changes in the articles of incorporation or bylaws shall be
40 approved by the governor.

41 7. The corporation shall submit an annual report to the governor
42 and to the Missouri general assembly by the first day of November and
43 shall include detailed information on the structure, operation, and
44 financial status of the corporation. The corporation shall conduct an
45 annual public hearing to receive comments from interested parties
46 regarding the report, and notice of the hearing shall be given at least
47 fourteen days prior to the hearing.

48 8. The corporation shall be subject to an annual audit by the
49 state auditor. The corporation shall bear the full cost of the audit.

160.810. The corporation, after being certified by the governor
2 as provided by section 160.800, may:

3 (1) Study the potential for a state-coordinated economic and
4 educational policy that addresses all levels of education;

5 (2) Determine where obstacles make state support of programs
6 that cross institutional or jurisdictional boundaries difficult and
7 suggest remedies;

8 (3) Create programs that:

9 (a) Intervene at known critical transition points, such as middle
10 school to high school and the freshman year of college, to help ensure
11 student success at the next level;

12 (b) Foster higher education faculty spending time in elementary
13 and secondary classrooms and private workplaces, and elementary and

14 secondary faculty spending time in general education level higher
15 education courses and private workplaces, with particular emphasis on
16 secondary school faculty working with general education higher
17 education faculty;

18 (c) Allow education stakeholders to collaborate with members of
19 business and industry to foster policy alignment, professional
20 interaction, and information systems across sectors;

21 (d) Regularly provide feedback to schools, colleges, and
22 employers concerning the number of students requiring postsecondary
23 remediation, whether in educational institutions or the workplace;

24 (4) Explore ways to better align academic content, particularly
25 between secondary school and first-year courses at public colleges and
26 universities, which may include alignment between:

27 (a) Elementary and secondary assessments and public college
28 and university admission and placement standards; and

29 (b) Articulation agreements for programs across sectors and
30 educational levels.

160.815. 1. Debts incurred by the corporation established
2 pursuant to the authority of sections 160.800 to 160.820 do not represent
3 or constitute a debt of this state within the meaning of the provisions
4 of the constitution or statutes of this state.

5 2. The corporation established pursuant to sections 160.800 to
6 160.820 shall be subject to all provisions of chapter 355, RSMo, which
7 do not conflict with the provisions of sections 160.800 to 160.820.

160.820. In order to assist the corporation in achieving the
2 objectives identified in section 160.810, the department of economic
3 development, department of elementary and secondary education, and
4 department of higher education may contract with the corporation for
5 activities consistent with the corporation's purpose, as specified in
6 section 160.805, including but not limited to the employment of any
7 personnel of the corporation, administrative services, and provision of
8 office space. When contracting with the corporation under the
9 provisions of this section, the departments may directly enter into
10 agreements with the corporation and shall not be bound by the
11 provisions of chapter 34, RSMo.

160.950. 1. There is hereby created in the state treasury the
2 "Persistence to Graduation Fund", which shall consist of money

3 collected under this section. The state treasurer shall be custodian of
4 the fund and may approve disbursements from the fund in accordance
5 with sections 30.170 and 30.180, RSMo. Upon appropriation, money in
6 the fund shall be used solely for the administration of this section. Any
7 moneys remaining in the fund at the end of the biennium shall revert
8 to the credit of the general revenue fund. The state treasurer shall
9 invest moneys in the fund in the same manner as other funds are
10 invested. Any interest and moneys earned on such investments shall be
11 credited to the fund. The fund shall be administered by the department
12 of elementary and secondary education.

13 2. The department of elementary and secondary education shall
14 establish a procedure whereby seven-director, urban, and metropolitan
15 school districts may apply for grant awards from the Persistence to
16 Graduation Fund in order for such districts to implement drop-out
17 prevention strategies. Successful applicants under this section shall be
18 awarded grants for one to five consecutive years. Upon expiration of
19 the initial grant, the district may reapply for an extension of the grant
20 award for a period of time deemed appropriate by both the district and
21 the department. The department of elementary and secondary
22 education shall give preference to school districts that propose a
23 holistic approach to drop-out prevention, directed at a broad array of
24 students, from the pre-kindergarten level through early adulthood,
25 including the following characteristics:

26 (1) A collaborative approach between the school district and
27 various community organizations, including non-profit organizations,
28 local governmental organizations, law enforcement agencies, "approved
29 public institutions" and "approved private institutions" as such terms are
30 defined in section 173.1102, RSMo, and institutions able to deliver
31 proven, research-based intervention services;

32 (2) Early intervention strategies, including family engagement,
33 early childhood education, early literacy development, family literacy,
34 and mental health detection and treatment;

35 (3) Increased accountability measures that track at-risk students
36 that leave the district;

37 (4) The implementation or augmentation of the following basic
38 core strategies for drop-out prevention:

39 (a) Mentoring;

40 (b) Tutoring;
41 (c) Alternative Schooling;
42 (d) Career and Technical Education; and
43 (e) Before or After School Programs;
44 (5) The implementation of early intervention strategies for
45 students who display strong indicators that they will not persist to
46 graduation.

47 3. Grants awarded under this section shall be available to school
48 districts that have a student population of which sixty percent or
49 greater is eligible for a free and reduced lunch on the last Wednesday
50 in January for the preceding school year who were enrolled as students
51 of the district, as approved by the department of elementary and
52 secondary education in accordance with applicable federal regulations.

53 4. The department of elementary and secondary education shall
54 promulgate rules, no later than January 15, 2010, for the implementation
55 of this section, including:

56 (1) A procedure by which funds shall be allocated to the applying
57 school districts; and

58 (2) A means to judge the effectiveness of the drop-out prevention
59 programs of the districts that receive grants under this program.

60 Any rule or portion of a rule, as that term is defined in section 536.010,
61 RSMo, that is created under the authority delegated in this section shall
62 become effective only if it complies with and is subject to all of the
63 provisions of chapter 536, RSMo, and, if applicable, section 536.028,
64 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
65 of the powers vested with the general assembly pursuant to chapter 536,
66 RSMo, to review, to delay the effective date, or to disapprove and annul
67 a rule are subsequently held unconstitutional, then the grant of
68 rulemaking authority and any rule proposed or adopted after August 28,
69 2009, shall be invalid and void.

70 5. The department of elementary and secondary education may
71 cease award payments to any district at any time if the department
72 determines that such funds are being misused or if the district's drop-
73 out prevention program is deemed to be ineffectual. Any decision to
74 discontinue payments of such funds shall be presented to the applicable
75 district in writing at least thirty days prior to the cessation of fund
76 payments.

77 **6. The department of elementary and secondary education shall**
78 **report to the general assembly and to the governor, no later than**
79 **January fifteenth annually:**

80 **(1) The recipients and amounts of the grants awarded under this**
81 **section; and**

82 **(2) The persistence to graduation data from the preceding five**
83 **years for each district awarded grants under this section.**

84 **7. Subject to appropriation, the general assembly shall annually**
85 **appropriate an amount sufficient to fund the provisions of this section.**

86 **8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

87 **(1) The provisions of the new program authorized under this**
88 **section shall sunset automatically six years after the effective date of**
89 **this section unless reauthorized by an act of the general assembly; and**

90 **(2) If such program is reauthorized, the program authorized**
91 **under this section shall sunset automatically twelve years after the**
92 **effective date of the reauthorization of this section; and**

93 **(3) This section shall terminate on September first of the calendar**
94 **year immediately following the calendar year in which the program**
95 **authorized under this section is sunset.**

161.072. The state board of education shall meet semiannually in
2 December and in June in Jefferson City. Other meetings may be called by the
3 president of the board on ~~[five]~~ **seven** days' written notice to the members. In the
4 absence of the president, the commissioner of education shall call a meeting on
5 request of ~~[four]~~ **three** members of the board, and if both the president and the
6 commissioner of education are absent or refuse to call a meeting, any ~~[four]~~ **three**
7 members of the board may call a meeting by similar notices in writing. **The**
8 **business to come before the board shall be available by free electronic**
9 **record at least seven business days prior to the start of each**
10 **meeting. All records of any decisions, votes, exhibits, or outcomes shall**
11 **be available by free electronic media within forty-eight hours following**
12 **the conclusion of every meeting. Any materials prepared for the**
13 **members of the board by the staff shall be delivered to the members at**
14 **least five days before the meeting, and to the extent such materials are**
15 **public records as defined in section 610.010, RSMo, and are not**
16 **permitted to be closed under section 610.021, RSMo, shall be made**
17 **available by free electronic media at least five business days in advance**
18 **of the meeting.**

161.122. The commissioner of education shall supervise the department of
2 elementary and secondary education. Either in person or by deputy, he **or she**
3 shall confer with and advise county and school district officers, teachers, and
4 patrons of the public schools on all matters pertaining to the school law; visit and
5 supervise schools, and make suggestions in regard to the subject matter and
6 methods of instruction, the control and government of the schools, and the care
7 and keeping of all school property; attend and assist in meetings of teachers,
8 directors, and patrons of the public schools; and seek in every way to elevate the
9 standards and efficiency of the instruction given in the public schools of the
10 state. **The commissioner shall study and evaluate and test the progress,**
11 **or lack thereof, in achieving these objectives and shall promptly make**
12 **public by free electronic media the results of all studies and evaluations**
13 **and tests insofar as consistent with student or parental privacy rights**
14 **contained in federal or state law.**

161.380. 1. Each public school shall develop standards for
2 teaching no later than June 30, 2010. The standards shall be applicable
3 to all public schools, including public charter schools operated by the
4 board of a school district.

5 2. Teaching standards shall include, but not be limited to, the
6 following:

7 (1) Students actively participate and are successful in the
8 learning process;

9 (2) Various forms of assessment are used to monitor and manage
10 student learning;

11 (3) The teacher is prepared and knowledgeable of the content and
12 effectively maintains students' on-task behavior;

13 (4) The teacher uses professional communication and interaction
14 with the school community;

15 (5) The teacher keeps current on instructional knowledge and
16 seeks and explores changes in teaching behaviors that will improve
17 student performance; and

18 (6) The teacher acts as a responsible professional in the overall
19 mission of the school.

20 3. The department may provide assistance to public schools in
21 developing these standards upon request.

161.800. 1. This section establishes a program for public
2 elementary and secondary schools to increase volunteer and parental

3 involvement. The program shall be known and may be cited as the
4 "Volunteer and Parents Incentive Program". The department of
5 elementary and secondary education shall implement and administer
6 the program.

7 2. For purposes of this section, the following terms shall mean:

8 (1) "At risk student":

9 (a) A student who is still of school age but whose continued
10 education is in jeopardy because the student is experiencing academic
11 deficits, including but not limited to:

12 a. Being one or more years behind their age or grade level in
13 mathematics or reading skills through eighth grade or three or more
14 credits behind in the number of credits toward graduation from the
15 ninth grade through twelfth grade;

16 b. Having low scores on tests of academic achievement and
17 scholastic aptitude;

18 c. Having low grades and academic deficiencies;

19 d. Having a history of failure and being held back in school;

20 e. Having language problems or being from a non-English
21 speaking home; or

22 f. Not having access to appropriate educational programs.

23 (b) A student may also be considered "at risk" if the student has
24 any of the following:

25 a. A parent or sibling who dropped out of school;

26 b. Experienced numerous family relocations;

27 c. Poor social adjustment, or deviant social behavior;

28 d. Employment of more than twenty hours per week while school
29 is in session;

30 e. Been the victim of racial or ethnic prejudice;

31 f. Low self-esteem and expectations of teachers, parents, and the
32 community;

33 g. A poorly educated mother or father;

34 h. Children of their own;

35 i. A deprived environment that slows economic and social
36 development;

37 j. A fatherless home;

38 k. Been the victim of personal or family abuse, including
39 substance abuse, emotional abuse, and sexual abuse;

40 (2) "Department", the department of elementary and secondary
41 education;

42 (3) "Institution of higher education", a four year college or
43 university located in the state of Missouri;

44 (4) "Program", the volunteer and parents incentive program;

45 (5) "Qualifying public school", a school located in Missouri that:

46 (a) Is located in a school district that has been classified by the
47 state board of education as unaccredited or provisionally accredited; or

48 (b) That has a student population of more than fifty percent at-
49 risk students.

50 3. Subject to appropriation, the department shall provide a
51 reimbursement to parents or volunteers who donate time at a qualifying
52 public school. For every one hundred hours that a parent or volunteer
53 donates to a qualifying public school, the department shall provide a
54 reimbursement of up to five hundred dollars towards the cost of three
55 credit hours of education from a public institution of higher education
56 located in Missouri. The reimbursement shall occur after completion of
57 the three credit hours of education. The reimbursement amount shall
58 not exceed five hundred dollars every two years.

59 4. A school district that participates in the program shall verify
60 to the department the time donated by a parent or volunteer.

61 5. If a school district that participates in the program becomes
62 classified as accredited by the state board of education, the school
63 district may continue to participate in the program for an additional
64 two years.

65 6. The department of elementary and secondary education shall
66 promulgate rules and regulations to implement this section. Any rule
67 or portion of a rule, as that term is defined in section 536.010, RSMo,
68 that is created under the authority delegated in this section shall
69 become effective only if it complies with and is subject to all of the
70 provisions of chapter 536, RSMo, and, if applicable, section 536.028,
71 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
72 of the powers vested with the general assembly pursuant to chapter 536,
73 RSMo, to review, to delay the effective date, or to disapprove and annul
74 a rule are subsequently held unconstitutional, then the grant of
75 rulemaking authority and any rule proposed or adopted after August 28,
76 2009, shall be invalid and void.

77 7. There is hereby created in the state treasury the "Volunteer
78 and Parents Incentive Program Fund", which shall consist of general
79 revenue appropriated to the program, funds received from the federal
80 government, and voluntary contributions to support or match program
81 activities. The state treasurer shall be custodian of the fund and may
82 approve disbursements from the fund in accordance with sections 30.170
83 and 30.180, RSMo. Upon appropriation, money in the fund shall be used
84 solely for the administration of the volunteer and parents incentive
85 program. Notwithstanding the provisions of section 33.080, RSMo, to the
86 contrary, any moneys remaining in the fund at the end of the biennium
87 shall not revert to the credit of the general revenue fund. The state
88 treasurer shall invest moneys in the fund in the same manner as other
89 funds are invested. Any interest and moneys earned on such
90 investments shall be credited to the fund.

91 8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

92 (1) The provisions of the new program authorized under this
93 section shall automatically sunset six years after the effective date of
94 this section unless reauthorized by an act of the general assembly; and

95 (2) If such program is reauthorized, the program authorized
96 under this section shall automatically sunset twelve years after the
97 effective date of the reauthorization of this section; and

98 (3) This section shall terminate on September first of the calendar
99 year immediately following the calendar year in which the program
100 authorized under this section is sunset.

 161.850. 1. By January 1, 2010, the department of elementary and
2 secondary education shall develop and produce a publication entitled
3 "The Parents' Bill of Rights" that shall be designed to inform parents of
4 children with an individualized education program of their educational
5 rights provided under federal and state law. The publication shall also
6 state that it does not confer any right or rights beyond those conferred
7 by federal or state law. The publication shall also state that it is for
8 informational purposes only. The department shall post a copy of this
9 publication on its website. The publication shall contain the
10 department's contact information.

11 2. The publication shall contain, but may not be limited to, the
12 following information presented in a clear and concise manner:

13 (1) The right of parents to attend individualized education

14 **program meetings and represent their child's interests;**

15 **(2) The right of parents to have an advocate or expert present at**
16 **an individualized education program meeting, which may include a**
17 **Missouri Parents Act staff member;**

18 **(3) The right of parents to receive a copy of the child's evaluation**
19 **and to disagree with its results and request one independent**
20 **educational evaluation at public expense;**

21 **(4) The right of parents to provide a written report from outside**
22 **sources as part of the evaluation process;**

23 **(5) The right of parents to examine all school records pertaining**
24 **to the child and be provided with a copy of the individualized education**
25 **program;**

26 **(6) The right of parents to disagree with the decision of the**
27 **school district and the individualized education program team and to**
28 **pursue complaint procedures, including a child complaint filed with the**
29 **department of elementary and secondary education, state-paid**
30 **mediation, and other due process rights;**

31 **(7) The right of parents with a child with an individualized**
32 **education program to participate in reviews of such program,**
33 **participate in any decision to change any aspects of the individualized**
34 **education program, and meet with school officials whenever a change**
35 **occurs in their child's education program or classroom placement;**

36 **(8) The right of a child to be placed in the least restrictive**
37 **environment and be placed in a general education classroom, to the**
38 **greatest extent possible;**

39 **(9) The right of parents with limited English language proficiency**
40 **to have an interpreter at individualized education program**
41 **meetings. The school district shall arrange for such an interpreter;**

42 **(10) The right of parents to have a free appropriate public**
43 **education for their child with an individualized education program,**
44 **which may include, but not be limited to, services and therapies such as**
45 **assessment, behavior management training and supports,**
46 **communication and language therapy, consultation on individualized**
47 **education, information and referral assistance, life skills, occupational**
48 **therapy, sensory integration therapy, and behavior therapy, such as**
49 **applied behavior analysis.**

50 **3. Each school district shall provide the parent or parents of a**

51 child with a copy of this publication upon initial referral for evaluation,
52 and at any such time as a school district is required under state or
53 federal law to provide the parent or parents with notice of procedural
54 safeguards.

55 4. The department of elementary and secondary education shall
56 promulgate rules and regulations necessary to implement the provisions
57 of this section, including but not limited to, the manner in which the
58 publication described in this section shall be distributed.

59 5. Any rule or portion of a rule, as that term is defined in section
60 536.010, RSMo, that is created under the authority delegated in this
61 section shall become effective only if it complies with and is subject to
62 all of the provisions of chapter 536, RSMo, and, if applicable, section
63 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
64 and if any of the powers vested with the general assembly pursuant to
65 chapter 536, RSMo, to review, to delay the effective date, or to
66 disapprove and annul a rule are subsequently held unconstitutional,
67 then the grant of rulemaking authority and any rule proposed or
68 adopted after August 28, 2009, shall be invalid and void.

162.083. 1. The state board of education may appoint additional
2 members to any special administrative board appointed pursuant to
3 section 162.081.

4 2. The state board of education may set a final term of office for
5 any member of a special administrative board, after which a successor
6 member shall be elected by the voters of the district.

7 (1) All final terms of office for members of the special
8 administrative board established under this section shall expire on June
9 thirtieth.

10 (2) The election of a successor member shall occur on the general
11 municipal election day immediately prior to the expiration of the final
12 term of office.

13 (3) The election shall be conducted in a manner consistent with
14 the laws applicable to elections in seven-director districts.

15 3. Nothing in this section shall be construed as barring an
16 otherwise qualified member of the special administrative board
17 standing for an elected term on the board.

18 4. Should the state board of education appoint a successor
19 member to replace the chair of the special administrative board, the

20 serving members of the special administrative board shall be authorized
21 to appoint a superintendent of schools and contract for his or her
22 services.

23 5. On a date set by the state board of education, any district
24 operating under the governance of a special administrative board shall
25 return to local governance, and continue operation as a seven-director
26 district as otherwise authorized by law.

162.204. Notwithstanding any provision of law to the contrary, a
2 school district may fulfill its statutory responsibility to maintain
3 permanent records by maintaining or storing such records in a digital
4 or electronic format. A school district that maintains or stores records
5 in a digital or electronic format shall follow all guidelines, suggestions,
6 or recommendations set forth by the manufacturer of the digital or
7 electronic storage media. A school district shall not use or maintain
8 digital or electronic storage media beyond the manufacturer suggested
9 or recommended period of time.

162.225. 1. When the voters in any two or more school districts
2 located, or whose territory is ninety percent located, in a county of the
3 third classification without a township form of government and with
4 more than thirty-seven thousand two hundred but fewer than thirty-
5 seven thousand three hundred inhabitants without limitation as to size
6 and enrollment desire to reorganize and form a single new district and
7 to create subdistricts within the single new district based upon the
8 preexisting school district boundary lines, a petition asking for an
9 election upon the question shall be filed with the board of education of
10 the affected districts. Such petition shall be signed by the greater of the
11 following numbers:

12 (1) Ten percent of those in each district who voted for school
13 board members at the last election in which such members were elected;
14 or

15 (2) One hundred voters.

16 2. As an alternative to the procedure in subsection 1 of this
17 section, two or more school districts, which are located, or whose
18 territory is ninety percent located in a county of the third classification
19 without a township form of government and with more than thirty-seven
20 thousand two hundred but fewer than thirty-seven thousand three
21 hundred inhabitants may, by a majority vote of each board of education,

22 call for an election upon the question of reorganizing and forming a
23 single new district with subdistricts within the single new district based
24 upon the preexisting school district boundary lines.

25 3. The question shall be submitted in substantially the following
26 form:

27 "Shall the school district and the
28 school district (and the
29 school district) form a single new district in which these school districts
30 would become subdistricts within the single new district based upon the
31 preexisting school district boundary lines with a tax rate ceiling of
32 per one hundred dollars of assessed valuation? If this proposition
33 is approved, the adjusted operating levy of the new school district is
34 estimated to be (amount) per one hundred dollars of assessed
35 valuation."

36 ☐ YES ☐ NO

37 4. The board of education of each affected district shall cause a
38 question as described in subsection 3 that originated from a petition as
39 described in subsection 1 to be included on the ballot to be submitted
40 to the voters in each such district at the next general election day as
41 defined in section 115.121, RSMo. Any such subsequent question shall
42 only be included on the ballot to be submitted to the voters at the next
43 general election day in a presidential year as defined in section
44 115.121. The board of education of each affected district shall cause a
45 question as described in subsection 3 that originated from a majority
46 vote of boards of education as described in subsection 2 to be submitted
47 at the next general election day as defined in section 115.121. A plat of
48 the proposed new district and subdistricts shall be published and posted
49 with the notices of election.

50 5. The results of the voting on the proposal in each district
51 affected shall be certified to the commissioner of education by the
52 secretary of each board of education of each district or by such other
53 person or body charged with conducting such elections. If a majority of
54 the votes cast on the proposal by the qualified voters within each school
55 district voting thereon are in favor of the proposal, the school districts
56 shall be reorganized as one district with subdistricts within the single
57 new district based upon the preexisting school district boundary

58 lines. The commissioner of education shall declare the new district
59 formed as of July first following the submission of the question. If a
60 majority of the votes cast on the proposal by the qualified voters within
61 each school district voting thereon are not in favor of the proposal, the
62 school districts shall not be reorganized.

63 6. Upon the effective date of the reorganization, all indebtedness,
64 property, records, and money on hand belonging thereto shall
65 immediately pass to the new school district. The new district shall
66 faithfully perform all existing contracts and assume all legal obligations
67 of the prior school districts.

68 7. A vote of the people shall be required for the closing of a
69 facility used for student instruction if such a closing would result in a
70 subdistrict no longer having a facility used for student instruction. A
71 vote of the people shall not be required for the closing of a facility used
72 for student instruction if the school district constructs a replacement
73 facility for student instruction within that subdistrict or if other
74 facilities used for student instruction exist within that subdistrict. A
75 vote of the people shall not be required for the closing of a facility not
76 used for student instruction. The district's board of education shall
77 cause the question of the closure of such a facility used for student
78 instruction to be included on the ballot to be submitted to the voters in
79 the subdistrict in which the facility used for student instruction is
80 located at the next election day, upon the occurrence of the following:

81 (1) Receipt of a petition setting forth such fact signed by the
82 greater of the following numbers:

83 (a) Ten percent of those in the subdistrict in which the facility
84 used for student instruction is located who voted for school board
85 members at the last election in which such members were elected; or

86 (b) One hundred voters of the subdistrict in which the facility
87 used for student instruction is located; or

88 (2) A majority vote of the board of education.

89 The question shall be submitted in substantially the following form:

90 "Shall the (facility used for student
91 instruction) be closed effective the day of?"

92 ☐ YES ☐ NO

93 The results of the voting on the proposal shall be certified to the

94 commissioner of education and the district's board of education by such
95 person or body charged with conducting such elections. If a majority of
96 the votes cast on the proposal by the qualified voters in the subdistrict
97 voting thereon are in favor of the proposal, then the commissioner of
98 education shall declare the facility used for student instruction closed
99 on the effective date identified in the proposal. If a majority of the
100 votes cast on the proposal by the qualified voters in the subdistrict
101 voting thereon are not in favor of the proposal, then the facility used for
102 student instruction shall not be closed.

103 8. A vote of the people shall be required for the modification of
104 a subdistrict boundary line. The district's board of education shall
105 cause the question of the modification of a subdistrict boundary line to
106 be included on the ballot to be submitted to the voters in each
107 subdistrict for which the boundary line would be modified at the next
108 election day, upon the occurrence of the following:

109 (1) Receipt of a petition setting forth such fact signed by the
110 greater of the following numbers:

111 (a) Ten percent of those in each subdistrict for which the
112 boundary line would be modified who voted for school board members
113 at the last election in which such members were elected; or

114 (b) One hundred voters from the subdistricts for which the
115 boundary line would be modified; or

116 (2) A majority vote of the board of education.

117 The question shall be submitted in substantially the following form:

118 "Shall the boundary line between
119 subdistrict and subdistrict be modified
120 (describe geographic modification in boundary line) effective the
121 day of,?"

122 ☐ YES ☐ NO

123 The results of the voting on the proposal shall be certified to the
124 commissioner of education and the district's board of education by such
125 person or body charged with conducting such elections. If a majority of
126 the votes cast on the proposal by the qualified voters of the subdistricts
127 voting thereon are in favor of the proposal, the commissioner of
128 education shall declare the boundary line modified as of July first
129 following the submission of the question. If a majority of the votes cast

130 on the proposal by the qualified voters in the subdistricts voting
131 thereon are not in favor of the proposal, the boundary line identified in
132 the proposal shall not be modified.

133 9. A vote of the people shall be required for a restructuring of the
134 grade levels offered within the current attendance center within a
135 subdistrict. The district's board of education shall cause the question
136 of the restructuring of grade levels offered within the current
137 attendance center within the subdistrict to be included on the ballot to
138 be submitted to the voters in the subdistrict at the next election day,
139 upon the occurrence of the following:

140 (1) Receipt of a petition setting forth such fact signed by the
141 greater of the following numbers:

142 (a) Ten percent of those in the subdistrict in which the
143 restructuring of grade levels offered would occur who voted for school
144 board members at the last election in which such members were elected;
145 or

146 (b) One hundred voters from the subdistrict in which the
147 restructuring of grade levels offered would occur; or

148 (2) A majority vote of the board of education.

149 The question shall be submitted in substantially the following form:

150 "Shall the subdistrict be
151 restructured to offer grades (list grade level) through
152 (list grade level) within the (name
153 attendance center) effective the day of,?"

154 ☐ YES ☐ NO"

155 The results of the voting on the proposal shall be certified to the
156 commissioner of education and the district's board of education by such
157 person or body charged with conducting such elections. If a majority of
158 the votes cast on the proposal by the qualified voters in the subdistrict
159 voting thereon are in favor of the proposal, the commissioner of
160 education shall declare the grade levels offered within the current
161 attendance center within the subdistrict restructured on the effective
162 date identified in the proposal. If a majority of the votes cast on the
163 proposal by the qualified voters in the subdistrict voting thereon are not
164 in favor of the proposal, the restructuring of grade levels offered within
165 the current attendance center within the subdistrict shall not occur.

166 10. Notwithstanding any provision of law to the contrary, a school
167 district that is reorganized under this section shall be considered a
168 seven director school district for purposes of other provisions of law.

 162.227. For a school district that has been reorganized to contain
2 subdistricts pursuant to section 162.225, the board of education shall
3 consist of seven members. Voters in each subdistrict shall elect one
4 member who resides in that subdistrict to represent and to serve on the
5 board of education. Voters shall also elect a number of at-large
6 members to serve on the board of education. The number of at-large
7 members elected by voters shall be the difference between seven and the
8 number of subdistricts within the school district. Members shall be
9 citizens of the United States and resident taxpayers of the district, who
10 have resided in this state for one year preceding their election or
11 appointment, and who are at least twenty-four years of age. The term
12 of office for members shall be three years, except as otherwise provided
13 in section 162.228.

 162.228. 1. If the proposal to reorganize a district pursuant to
2 section 162.225 receives the required majority of the votes cast on the
3 proposition, the terms of office of all school board members of each of
4 the school districts that are to be reorganized into the new school
5 district shall cease on June thirtieth following the submission of the
6 question. The state board of education shall order an election in the
7 district to be held to elect members to serve on the board of education
8 for the district. Such election shall be held on the next general
9 municipal election day. A letter from the commissioner of education,
10 delivered by certified mail to the presiding commissioner of the county
11 commission of the county in which the district formed by the provisions
12 of section 162.225 is assigned shall be the authority for the county
13 commission to proceed with election procedures in the same manner as
14 they would be performed by the district board of education were it in
15 existence. The costs of the election shall be shared equally by the
16 districts that are being reorganized.

17 2. Initial school board members shall be elected in the following
18 manner:

19 (1) The at-large member or members, as determined in section
20 162.227, shall be elected to serve until a successor is sworn in after the
21 results of the first subsequent general municipal election.

22 (2) The number of school board members elected to serve until a
23 successor is sworn in after the results of the second subsequent general
24 municipal election shall be the difference between seven and the
25 number of at-large members, divided by two, rounded up to the nearest
26 whole number.

27 (3) The number of board members elected to serve until a
28 successor is sworn in after the results of the third subsequent general
29 municipal election shall be the difference between seven and the sum of
30 the board members elected in subdivision 1 and subdivision 2 of this
31 subsection.

32 (4) The commissioner of education, or his or her designee, shall
33 supervise a drawing, by lot, to determine which elected school board
34 members shall serve until a successor is sworn in after the results of the
35 second subsequent general municipal election and the third subsequent
36 general municipal election, as provided in subdivision (2) and
37 subdivision (3) of this subsection. The state board of education shall
38 approve the drawing by lot.

39 (5) Subsequent board members shall be elected to serve terms
40 three year in length.
41 School board members elected under this subsection shall take office on
42 July first following the election, as described in subsection 1 of this
43 section.

44 3. In the event there is insufficient time to hold an election for
45 school board members between the date that the commissioner of
46 education declares the formation of the new district and the actual date
47 of the new district's formation, seven board members from the boards
48 of the reorganizing districts shall be drawn by lot to serve until the next
49 election at which the new board of education can be elected. The
50 number of board members selected from one district shall not exceed
51 the quotient resulting from seven divided by the number of districts
52 reorganizing rounded down to the nearest whole number plus one. The
53 commissioner of education, or his or her designee, shall supervise the
54 drawing, by lot, of the board members which shall be approved by the
55 state board of education.

 162.229. The tax rates of any two or more school districts
2 reorganizing under section 162.225 shall be determined pursuant to
3 section 162.202, RSMo.

162.241. If a proposal to form a district pursuant to the provisions of
2 sections 162.171 to 162.191, 162.211 and 162.221, [or section] 162.223, **162.1200,**
3 **or 162.1201** receives the required majority of the votes cast on the proposition,
4 the state board of education or the county commission, in the case of a district
5 formed pursuant to the provisions of sections 162.171 to 162.191 or 162.211 and
6 162.221, shall order an election in the district to be held. This election shall be
7 for the purpose of electing seven members to serve on the school board of the
8 district. Such election shall be held on the next election day as provided under
9 section 115.123, RSMo, **except for a school district formed under section**
10 **162.1200 or 162.1201, in which case an election shall be held on the next**
11 **general municipal election day.** The election shall be conducted in the
12 manner provided by section 162.371. A letter from the commissioner of education,
13 delivered by certified mail to the presiding commissioner of the county commission
14 of the county to which the district formed by provisions of section 162.223 is
15 assigned shall be the authority for the county commission to proceed with election
16 procedures in the same manner as they would be performed by the district board
17 of education were it in existence; but the costs of the election shall be paid from
18 the incidental fund of the new district. Two directors shall be elected to serve
19 until the next municipal election, two to serve until the second municipal election,
20 and two to serve until the third municipal election. The seventh board member
21 shall be elected to serve until the municipal election during which the majority of
22 school districts elect three board members.

162.291. The voters of each seven-director district other than urban
2 districts **or a school district that has been reorganized to contain**
3 **subdistricts pursuant to section 162.225,** shall, at **general** municipal
4 elections, elect two directors who are citizens of the United States and resident
5 taxpayers of the district, who have resided in this state for one year next
6 preceding their election or appointment, and who are at least twenty-four years
7 of age.

162.459. 1. Notwithstanding other provisions of law to the contrary, the
2 school board of each school district designated in the statutes as a seven-director,
3 seven-director or urban school district, except an urban district containing the
4 greater part of a city of more than three hundred thousand inhabitants, shall
5 consist of seven members. At the first election for members of the school board in
6 each of such districts after January 1, 1993, and each three years thereafter, three
7 members of the school board shall be elected, **except in a school district that**

8 **has been reorganized to contain subdistricts pursuant to section 162.225;**
9 except, no school district composed of seven members as of January 1, 1993, shall
10 be required to modify its schedule of electing board members.

11 2. Provisions of law applicable to seven-director, seven-director and urban
12 school districts, except those which conflict with the provisions of this section,
13 shall apply to and govern the school districts designated in subsection 1 of this
14 section.

162.492. 1. In all urban districts containing the greater part of the
2 population of a city which has more than three hundred thousand inhabitants the
3 terms of the members of the board of directors in office in 1967 shall continue
4 until the end of the respective terms to which each of them has been elected to
5 office and in each case thereafter until the next school election be held and until
6 their successors, then elected, are duly qualified as provided in this section.

7 2. In each urban district designated in subsection 1, the election authority
8 of the city in which the greater portion of the school district lies, and of the county
9 if the district includes territory not within the city limits, shall serve ex officio as
10 a redistricting commission. The commission shall on or before November 1, 1969,
11 divide the school district into six subdistricts, all subdistricts being of compact and
12 contiguous territory and as nearly equal in the number of inhabitants as
13 practicable and thereafter the board shall redistrict the district into subdivisions
14 as soon as practicable after each United States decennial census. In establishing
15 the subdistricts each member shall have one vote and a majority vote of the total
16 membership of the commission is required to make effective any action of the
17 commission.

18 3. School elections for the election of directors shall be held on municipal
19 election days in each even-numbered year. At the election in 1970, one member
20 of the board of directors shall be elected by the voters of each subdistrict. The
21 seven candidates, one from each of the subdistricts, who receive a plurality of the
22 votes cast by the voters of that subdistrict shall be elected and the at-large
23 candidate receiving a plurality of the at-large votes shall be elected. In addition
24 to other qualifications prescribed by law, each member elected from a subdistrict
25 must be a resident of the subdistrict from which he is elected. The subdistricts
26 shall be numbered from one to six and the directors elected from subdistricts one,
27 three and five shall hold office for terms of two years and until their successors are
28 elected and qualified, and the directors elected from subdistricts two, four and six
29 shall hold office for terms of four years and until their successors are elected and

30 qualified. Every two years thereafter a member of the board of directors shall be
31 elected for a term of four years and until his successor is elected and qualified
32 from each of the three subdistricts having a member on the board of directors
33 whose term expires in that year. Those members of the board of directors who
34 were in office in 1967 shall, when their terms of office expire, be succeeded by the
35 members of the board of directors elected from subdistricts. In addition to the
36 directors elected by the voters of each subdistrict, additional directors shall be
37 elected at large by the voters of the entire school district as follows: In 1970 one
38 director at large shall be elected for a two-year term. In 1972 one director at large
39 shall be elected for a four-year term. In 1974 two at-large directors shall be
40 elected for a four-year term and thereafter in alternative elections one director
41 shall be elected for a four-year term and then two directors shall be elected for a
42 four-year term, so that from and after the 1970 election the board of directors not
43 including those members who were in office in 1967 shall consist of seven members
44 until the 1974 election and thereafter the board shall consist of nine members. In
45 those years in which one at-large director is to be elected each voter may vote for
46 one candidate and the candidate receiving a plurality of votes cast shall be elected.
47 In those years in which two at-large directors are to be elected each voter may vote
48 for two candidates and the two receiving the largest number of votes cast shall be
49 elected.

50 4. The six candidates, one from each of the subdistricts, who receive a
51 plurality of the votes cast by the voters of that subdistrict and the at-large
52 candidates receiving a plurality of the at-large votes shall be elected. The name
53 of no candidate for nomination shall be printed on the ballot unless the candidate
54 has at least sixty days prior to the election filed a declaration of candidacy with
55 the secretary of the board of directors containing the signatures of at least two
56 hundred fifty registered voters who are residents of the subdistrict within which
57 the candidate for nomination to a subdistrict office resides, and in case of at-large
58 candidates the signatures of at least five hundred registered voters. The election
59 authority shall determine the validity of all signatures on declarations of
60 candidacy.

61 5. In any election either for at-large candidates or candidates elected by
62 the voters of subdistricts, if there are more than two candidates, a majority of the
63 votes are not required to elect but the candidate having a plurality of the votes if
64 there is only one office to be filled and the candidates having the highest number
65 of votes, if more than one office is to be filled, shall be elected.

66 6. The names of all candidates shall appear upon the ballot without party
67 designation and in the order of the priority of the times of filing their petitions of
68 nomination. No candidate may file both at large and from a subdistrict and the
69 names of all candidates shall appear only once on the ballot, nor may any
70 candidate file more than one declaration of candidacy. All declarations shall
71 designate the candidate's residence and whether the candidate is filing at large
72 or from a subdistrict and the numerical designation of the subdistrict or at-large
73 area.

74 7. The provisions of all sections relating to seven-director school districts
75 shall also apply to and govern urban districts in cities of more than three hundred
76 thousand inhabitants, to the extent applicable and not in conflict with the
77 provisions of those sections specifically relating to such urban districts.

78 8. Vacancies which occur on the school board between the dates of election
79 shall be filled by [majority vote of the remaining members of the school board to
80 serve until the time of the next regular school board election. Subdistrict director
81 vacancies shall be filled by appointment of a resident of the subdistrict in which
82 the vacancy occurs] **special election if such vacancy happens more than six**
83 **months prior to the time of holding a general municipal election, as**
84 **provided in section 115.121, RSMo. The state board of education shall**
85 **order a special election to fill such a vacancy. A letter from the**
86 **commissioner of education, delivered by certified mail to the election**
87 **authority or authorities that would normally conduct an election for**
88 **school board members shall be the authority for the election authority**
89 **or authorities to proceed with election procedures. If a vacancy occurs**
90 **less than six months prior to the time of holding a general municipal**
91 **election, no special election shall occur and the vacancy shall be filled**
92 **at the next general municipal election.**

 162.716. 1. A student with a disability who receives special
2 education services from a school district or special school district shall
3 not be confined in a locked box, locked closet, or other specially
4 designed locked space as either a discipline management practice or a
5 behavior management technique.

6 2. As used in this section, the following terms shall mean:

7 (1) "Seclusion", a behavior management technique that provides
8 an opportunity for a student to regain self control in which a student is
9 confined in a box, closet, or room that is designed solely to seclude a

10 person and contains less than fifty square feet of space or other space
11 from which the student is prevented from leaving;

12 (2) "Time-out", a behavior management technique that provides
13 a student with an opportunity to regain self-control and separates the
14 student from other students for a limited period in a setting:

15 (a) Where a student's movement is not physically restricted;

16 (b) From which the exit is not physically blocked by furniture, a
17 closed door held shut from the outside, or another inanimate object;

18 (3) "Weapon", any blackjack, concealable firearm, detonator,
19 explosive weapon, firearm, gas gun, knife, knuckles, machine gun,
20 projectile weapon, rifle, short barrel, shotgun, or switchblade, as such
21 terms are defined in section 571.010, RSMo;

22 3. A school district employee, a school district volunteer, or an
23 independent contractor of a school district shall not place a student in
24 seclusion except for use as a last resort as an emergency safety
25 intervention for behavior that:

26 (1) Poses an imminent risk to the safety of an individual student;
27 or

28 (2) Poses an imminent risk to the safety of others.

29 4. A room or area of seclusion shall:

30 (1) Not be locked;

31 (2) Not prevent the student from exiting the area should staff
32 become incapacitated or leave the area; and

33 (3) Provide for adequate space, lighting, ventilation, viewing, and
34 the safety of the student.

35 5. An employee shall not place the student in seclusion for:

36 (1) Convenience of the staff;

37 (2) As a substitute for an educational program;

38 (3) As a form of discipline or punishment;

39 (4) As a substitute for less restrictive alternatives; or

40 (5) As a substitute for adequate staffing.

41 6. Seclusion shall not be used any longer than necessary to allow
42 for the student to regain self control:

43 (1) If the time necessary for seclusion exceeds fifteen minutes for
44 elementary students or twenty minutes for middle or highschool
45 students, there must be documentation to explain the extension beyond
46 the time limit; and

47 (2) If the student is placed into seclusion for a third time in one
48 school day, parents shall be notified immediately and given the option
49 to remove the student from school for the remainder of the school day.

50 7. Each use of seclusion shall be:

51 (1) Documented in writing and reported to the administration,
52 including documentation of observations of the student while in
53 seclusion;

54 (2) Reported to the parent immediately or as soon as possible; and

55 (3) Documented in a written report and given to the parent or
56 guardian within twenty-four hours.

57 8. Schools shall ensure all employees are informed and notified
58 of these requirements in this section.

59 9. This section shall not prevent a student's locked, unattended
60 confinement in an emergency situation while awaiting the arrival of law
61 enforcement personnel if:

62 (1) The student possesses a weapon; and

63 (2) The confinement is necessary to prevent the student from
64 causing bodily harm to the student or another person.

65 10. This section and any rules, regulations, and procedures
66 promulgated or adopted under it shall not apply to:

67 (1) A peace officer while performing law enforcement duties;

68 (2) Juvenile probation, detention, or corrections personnel; or

69 (3) An educational services provider with whom a student is
70 placed by a judicial authority, unless the services are provided in an
71 educational program of a school district.

72 11. This section shall not apply to the use of seclusion in a court-
73 ordered placement, other than in an educational program of a school
74 district or in a placement or facility to which the federal Children's
75 Health Act of 2000, P.L. 106-310, any subsequent amendments to the act,
76 any regulation adopted under that act, or any subsequent amendments
77 to such regulation, applies.

78 12. This section shall not prohibit a school district from using
79 time-out as described in subdivision (2) of subsection 2 of this section.

162.1033. 1. The provisions of this section shall be known as the
2 "Students First Act".

3 2. For the school year beginning July 1, 2010, and each
4 succeeding school year, a child in foster care under chapter 210, RSMo,

5 may enroll in a public school for kindergarten or grades above
6 kindergarten in a school district other than the one he or she currently
7 attends in the manner provided in this section.

8 3. For purposes of this section, the following terms shall mean:

9 (1) "Public school", includes school districts, charter schools,
10 magnet schools, and the virtual school created in section 161.670, RSMo;

11 (2) "IEP", individualized education program.

12 4. (1) Every school district shall adopt a policy which defines the
13 term "class size" for the purposes of open enrollment. The "minimum
14 standard" of teacher-pupil ratio promulgated by the department shall be
15 used in formulating the policy. The policy may allow for a number of
16 spaces to remain open to accommodate potential additional pupils who
17 will reside in the district. The receiving district shall make available
18 to the public the number of open seats in each grade each year on a
19 timely basis. A child in the foster care system under chapter 210, RSMo,
20 shall declare his or her intent by March first preceding the school year
21 in which the student wishes to participate. Open enrollment requests
22 shall be valid for an entire school year.

23 (2) If capacity is insufficient to enroll all pupils who submit an
24 application, the receiving school district shall have an admissions
25 process that assures all applicants of an equal chance of gaining
26 admission except that preferences for admission of children whose
27 siblings attend the school may be permitted. Whenever there is a
28 federal court-ordered desegregation directive for a school district,
29 enrollment options under this section are subject to the approval of the
30 court of continuing jurisdiction, and the court order shall govern.

31 (3) If a child in the foster care system under chapter 210, RSMo,
32 believes that a receiving district is unreasonable in disapproving
33 applications submitted in accordance with this subsection, he or she
34 may request that the department of elementary and secondary education
35 review and take appropriate action. School districts shall keep records
36 of the numbers of transfers requested into and out of the district and
37 numbers accepted and denied. These records shall be publicly available.

38 (4) If a request filed under this section is for a child requiring
39 special education under sections 162.670 to 162.999, the request to
40 transfer to the other district shall be granted only if the individualized
41 education program team in the receiving district verifies that the

42 receiving district maintains a special education instructional program
43 which is appropriate to meet the child's educational needs and the
44 enrollment of the child in the receiving district's program would not
45 cause the size of the class in that special education instructional
46 program in the receiving district to exceed the maximum class size
47 established in rules adopted by the state board of education or federal
48 guidelines for that program. For children requiring special education,
49 a member of the child's IEP team in the school district of residence shall
50 be part of the IEP team in the receiving district for the initial IEP
51 planning sessions, and the school district of residence shall pay to the
52 receiving district the actual costs incurred in providing the appropriate
53 special education.

54 5. A student who enrolls in another public school under this
55 section shall be counted, for state school foundation aid purposes, in the
56 receiving district.

57 6. For accountability purposes on adequate yearly progress and
58 the annual performance report, the statewide assessment scores of
59 pupils using open enrollment to attend a district other than their school
60 district of residence shall be treated in the same manner as the scores
61 of English language learners.

62 7. To the extent practicable based on available capacity, each
63 public school district with multiple attendance centers serving the same
64 grade level may provide intradistrict open enrollment. A district's
65 intradistrict transfers shall receive priority over interdistrict transfers.

66 8. Students who participate in open enrollment shall be treated
67 like resident students of the receiving district for school activities
68 participation on any team, and no organization shall prevent such
69 students from participating in school activities. Districts and
70 organizations involved in school activities in open enrollment districts
71 shall make a good faith effort to facilitate participation.

72 9. In a public school district that qualified for a small school
73 grant under section 163.044, RSMo, for the previous school year, the
74 addition of up to five percent average daily attendance attributable to
75 open enrollment shall not disqualify the district for the grant, nor shall
76 a decrease of less than five percent from the average daily attendance
77 used to determine qualification for the grant for the subsequent school
78 year that is attributable to open enrollment qualify a district for the

79 grant.

80 10. Any rule or portion of a rule, as that term is defined in section
81 536.010, RSMo, that is created under the authority delegated in this
82 section shall become effective only if it complies with and is subject to
83 all of the provisions of chapter 536, RSMo, and, if applicable, section
84 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
85 and if any of the powers vested with the general assembly pursuant to
86 chapter 536, RSMo, to review, to delay the effective date, or to
87 disapprove and annul a rule are subsequently held unconstitutional,
88 then the grant of rulemaking authority and any rule proposed or
89 adopted after August 28, 2009, shall be invalid and void.

 162.1168. 1. There is hereby established a pilot program within
2 the Missouri preschool project to be known as the "Missouri Preschool
3 Plus Grant Program", which shall serve up to one thousand two hundred
4 fifty students with high quality early childhood educational services in
5 order to improve school readiness outcomes. The program shall be
6 administered by the department of elementary and secondary education
7 in collaboration with the coordinating board for early
8 childhood. Grants shall be awarded in this section for three years and
9 shall be renewable. The program shall be funded through
10 appropriations to the Missouri preschool plus grant program
11 fund. Funds from the gaming commission fund created in section
12 313.835 shall not be used to fund the program.

13 2. For purposes of this section, the following terms shall mean:

14 (1) "Department", the department of elementary and secondary
15 education;

16 (2) "Program", the Missouri preschool plus grant program.

17 3. Grantees shall include the following:

18 (1) School districts classified as unaccredited by the state board
19 of education; or

20 (2) Nonsectarian community-based organizations located within
21 a school district classified as unaccredited by the state board of
22 education.

23 4. If a school district becomes classified as provisionally
24 accredited or accredited by the state board of education, the school
25 district may complete the length of an existing grant and shall be
26 eligible for one additional renewal for three years.

27 5. To receive a preschool placement under this section, a child
28 shall be one or two years away from kindergarten entry.

29 6. The Missouri preschool plus grant program shall comply with
30 the standards developed under section 161.213, RSMo. Public school
31 grantees shall employ teachers with a bachelor's degree. Nonsectarian
32 community-based organizations may employ teachers with at least an
33 associate's degree provided such teachers demonstrate they are on the
34 path to obtaining a bachelor's degree within five years.

35 7. Families with incomes less than one hundred thirty percent of
36 the federal poverty guidelines shall receive free services through
37 eligible grantees. Families with incomes at or above one hundred thirty
38 percent of the federal poverty guidelines may be charged a co-pay on a
39 sliding scale, as established by the department.

40 8. At least fifty percent of the preschool placements funded by the
41 program shall be offered through non-sectarian community-based
42 organizations.

43 9. The department shall develop standards for teacher-pupil
44 ratios, classroom size, teacher training and educational attainment, and
45 curriculum.

46 10. Grantees participating in the program shall give admission
47 preference to dependents of active duty military personnel.

48 11. School districts in which such pilot programs exist shall
49 collect data about short-term and long-term student performance so that
50 the program may be evaluated on quantitative measurements developed
51 by the department. For purposes of this subsection, "long-term" shall
52 mean from point of entry to graduation from high school.

53 12. Grantees shall coordinate preschool programs with the
54 nearest parents as teachers site to ensure a continuum of care.

55 13. The department shall accept applications in a competitive bid
56 process to begin implementation of the program for the 2010-2011 school
57 year.

58 14. The department shall promulgate rules and regulations
59 necessary to implement this section by January 1, 2010. Any rule or
60 portion of a rule, as that term is defined in section 536.010, RSMo, that
61 is created under the authority delegated in this section shall become
62 effective only if it complies with and is subject to all of the provisions
63 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This

64 section and chapter 536, RSMo, are nonseverable and if any of the
65 powers vested with the general assembly pursuant to chapter 536, RSMo,
66 to review, to delay the effective date, or to disapprove and annul a rule
67 are subsequently held unconstitutional, then the grant of rulemaking
68 authority and any rule proposed or adopted after August 28, 2009, shall
69 be invalid and void.

70 15. The general assembly shall appropriate an amount sufficient
71 to adequately fund the provisions of this section, which shall be a
72 minimum of five million dollars in any fiscal year.

73 16. There is hereby created in the state treasury the "Missouri
74 Preschool Plus Grant Program Fund" which shall consist of general
75 revenue appropriated to the program, funds received from the federal
76 government, and voluntary contributions to support or match program
77 activities. The state treasurer shall be custodian of the fund and may
78 approve disbursements from the fund in accordance with sections 30.170
79 and 30.180, RSMo. Upon appropriation, money in the fund shall be used
80 solely for the administration of this section. Any moneys remaining in
81 the fund at the end of the biennium shall revert to the credit of the
82 general revenue fund. The state treasurer shall invest moneys in the
83 fund in the same manner as other funds are invested. Any interest and
84 moneys earned on such investments shall be credited to the fund.

85 17. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

86 (1) The provisions of the new program authorized under this
87 section shall automatically sunset six years after the effective date of
88 this section unless reauthorized by an act of the general assembly; and

89 (2) If such program is reauthorized, the program authorized
90 under this section shall automatically sunset twelve years after the
91 effective date of the reauthorization of this section; and

92 (3) This section shall terminate on September first of the calendar
93 year immediately following the calendar year in which the program
94 authorized under this section is sunset.

162.1200. 1. The voters in any two or more school districts
2 located, or whose territory is ninety percent located, in a county of the
3 third classification without a township form of government and with
4 more than thirty-seven thousand two hundred but fewer than thirty-
5 seven three hundred inhabitants without limitation as to size and
6 enrollment may establish a new and separate seven director school

7 district to provide educational instruction for grades nine through
8 twelve. The boundary lines of such a school district shall be
9 coterminous with the boundary lines of the school districts from which
10 the voters established the school district providing educational
11 instruction for grades nine through twelve. A petition asking for an
12 election upon the question shall be filed with the board of education of
13 each of the affected districts. Such petition shall be signed by the
14 greater of the following numbers:

15 (1) Ten percent of those in each district who voted for school
16 board members at the last election in which such members were elected;
17 or

18 (2) One hundred voters.

19 2. As an alternative to the procedure in subsection 1 of this
20 section, two or more school districts, which are located, or whose
21 territory is ninety percent located in a county of the third classification
22 without a township form of government and with more than thirty-seven
23 thousand two hundred but fewer than thirty-seven thousand three
24 hundred inhabitants may, by a majority vote of each board of education,
25 call for an election upon the question of establishing a new and separate
26 seven director school district to provide educational instruction for
27 grades nine through twelve. The boundary lines of such a school
28 district shall be coterminous with the boundary lines of the school
29 districts from which the boards of education voted to establish the
30 school district providing educational instruction for grades nine
31 through twelve.

32 3. The question shall be submitted in substantially the following
33 form:

34 "Shall there be formed a new seven director school district to
35 provide grades nine through twelve that shall be coterminous with the
36 boundaries of school district and
37 school district (and school district) with
38 a tax rate ceiling of per one hundred dollars of assessed
39 valuation?"

40 ☐ YES ☐ NO

41 4. The board of education of each affected district shall cause a
42 question as described in subsection 3 that originated from a petition as

43 described in subsection 1 to be included on the ballot to be submitted
44 to the voters in each such district at the next general election day as
45 defined in section 115.121, RSMo. Any such subsequent question shall
46 only be included on the ballot to be submitted to the voters at the next
47 general election day in a presidential year as defined in section
48 115.121. The board of education of each affected district shall cause a
49 question as described in subsection 3 that originated from a majority
50 vote of boards of education as described in subsection 2 to be submitted
51 at the next general election day as defined in section 115.121. A plat of
52 the proposed new district and subdistricts shall be published and posted
53 with the notices of election.

54 5. The results of the voting on the proposal in each district
55 affected shall be certified to the commissioner of education by the
56 secretary of the board of education of each district or by such other
57 person or body charged with conducting such elections. If a majority of
58 the votes cast on the proposal by the qualified voters within each school
59 district voting thereon are in favor of the proposal, the new district
60 shall be formed. The commissioner of education shall declare the new
61 district formed as of July first following the election. If a majority of
62 the votes cast on the proposal by the qualified within each school
63 district voting thereon are not in favor of the proposal, the new district
64 shall not be formed.

65 6. If a proposal to form a new school district under this section
66 receives the required majority of votes cast, an election for school board
67 members shall be held as provided in section 162.241.

68 7. A school district established under this section may issue bonds
69 and levy and collect taxes and possess the same corporate powers as
70 seven director school districts in this state.

71 8. If a proposal to form a new school district to provide grades
72 nine through twelve under this section receives the required majority
73 of votes cast, any affected school district that already provides grades
74 nine through twelve shall cease to provide grades nine through twelve
75 upon the effective date of the formation of the new district.

162.1201. 1. The voters in any two or more school districts that
2 do not maintain an accredited high school which are located, or whose
3 territory is ninety percent located, in a county of the third classification
4 without a township form of government and with more than thirty-seven

5 thousand two hundred but fewer than thirty-seven three hundred
6 inhabitants without limitation as to size and enrollment may establish
7 a new and separate seven director school district to provide educational
8 instruction for grades nine through twelve. The boundary lines of such
9 a school district shall be coterminous with the boundary lines of the
10 school districts from which the voters established the school district
11 providing educational instruction for grades nine through twelve. A
12 petition asking for an election upon the question shall be filed with the
13 board of education of each of the affected districts. Such petition shall
14 be signed by the greater of the following numbers:

15 (1) Ten percent of those in each district who voted for school
16 board members at the last election in which such members were elected;
17 or

18 (2) One hundred voters.

19 2. As an alternative to the procedure in subsection 1 of this
20 section, two or more school districts, which are located, or whose
21 territory is ninety percent located in a county of the third classification
22 without a township form of government and with more than thirty-seven
23 thousand two hundred but fewer than thirty-seven thousand three
24 hundred inhabitants may, by a majority vote of each board of education,
25 call for an election upon the question of establishing a new and separate
26 seven director school district to provide educational instruction for
27 grades nine through twelve. The boundary lines of such a school
28 district shall be coterminous with the boundary lines of the school
29 districts from which the boards of education voted to establish the
30 school district providing educational instruction for grades nine
31 through twelve.

32 3. The question shall be submitted in substantially the following
33 form:

34 "Shall there be formed a new seven director school district to
35 provide grades nine through twelve that shall be coterminous with the
36 boundaries of school district and
37 school district (and
38 school district) with a tax rate ceiling of
39 per one hundred dollars of assessed valuation?"

40

☐ YES

☐ NO

41 4. The board of education of each affected district shall cause a
42 question as described in subsection 3 that originated from a petition as
43 described in subsection 1 to be included on the ballot to be submitted
44 to the voters in each such district at the next general election day as
45 defined in section 115.121, RSMo. Any such subsequent question shall
46 only be included on the ballot to be submitted to the voters at the next
47 general election day in a presidential year as defined in section
48 115.121. The board of education of each affected district shall cause a
49 question as described in subsection 3 that originated from a majority
50 vote of boards of education as described in subsection 2 to be submitted
51 at the next general election day as defined in section 115.121. A plat of
52 the proposed new district and subdistricts shall be published and posted
53 with the notices of election.

54 5. The results of the voting on the proposal in each district
55 affected shall be certified to the commissioner of education by the
56 secretary of the board of education of each district or by such other
57 person or body charged with conducting such elections. If a majority of
58 the votes cast on the proposal by the qualified voters within each school
59 district voting thereon are in favor of the proposal, the new district
60 shall be formed. The commissioner of education shall declare the new
61 district formed as of July first following the election. If a majority of
62 the votes cast on the proposal by the qualified voters within each school
63 district voting thereon are not in favor of the proposal, the new district
64 shall not be formed.

65 6. If the proposal to form a new school district under this section
66 receives the required majority of votes cast, an election for school board
67 members shall be held as provided in section 162.241.

68 7. A school district established under this section may issue bonds
69 and levy and collect taxes and possess the same corporate powers as
70 seven director school districts in this state.

162.1250. 1. School districts shall receive state school funding
2 under sections 163.031, 163.043, and 163.087, RSMo, for resident students
3 who are enrolled in the school district and who are taking a virtual
4 course or full-time virtual program offered by the school district. The
5 school district may offer instruction in a virtual setting using
6 technology, intranet, and Internet methods of communications that
7 could take place outside of the regular school district facility. The

8 school district may develop a virtual program for any grade level,
9 kindergarten through twelfth grade, with the courses available in
10 accordance with district policy to any resident student of the district
11 who is enrolled in the school district. Nothing in this section shall
12 preclude a private, parochial, or home school student residing within a
13 school district offering virtual school courses from enrolling in the
14 school district in accordance with the combined enrollment provisions
15 of section 167.031, RSMo, for the purposes of participating in the virtual
16 school courses.

17 2. Charter schools shall receive state school funding under
18 section 160.415, RSMo, for students enrolled in the charter school who
19 are completing a virtual course or full-time virtual program offered by
20 the charter school. Charter schools may offer instruction in a virtual
21 setting using technology, intranet, and Internet methods of
22 communications. The charter school may develop a virtual program for
23 any grade level, kindergarten through twelfth grade, with the courses
24 available in accordance with school policy and the charter school's
25 charter to any student enrolled in the charter school.

26 3. For purposes of calculation and distribution of state school
27 funding, attendance of a student enrolled in a district or charter school
28 virtual class shall equal, upon course completion, ninety-four percent of
29 the hours of attendance possible for such class delivered in the non-
30 virtual program in the student's resident district or charter
31 school. Course completion shall be calculated in two increments, fifty
32 percent completion and one hundred percent completion, based on the
33 student's completion of defined assignments and assessments, with
34 distribution of state funding to a school district or charter school at
35 each increment equal to forty-seven percent of hours of attendance
36 possible for such course delivered in the non-virtual program in a
37 student's school district of residence or charter school.

38 4. When courses are purchased from an outside vendor, the
39 district or charter school shall ensure that they are aligned with the
40 show-me curriculum standards and comply with state requirements for
41 teacher certification. The state board of education reserves the right to
42 request information and materials sufficient to evaluate the online
43 course. Online classes should be considered like any other class offered
44 by the school district or charter school.

45 **5. Any school district or charter school that offers instruction in**
46 **a virtual setting, develops a virtual course or courses, or develops a**
47 **virtual program of instruction shall ensure that the following standards**
48 **are satisfied:**

49 **(1) The virtual course or virtual program utilizes appropriate**
50 **content-specific tools and software;**

51 **(2) Orientation training is available for teachers, instructors, and**
52 **students as needed;**

53 **(3) Privacy policies are stated and made available to teachers,**
54 **instructors, and students;**

55 **(4) Academic integrity and Internet etiquette expectations**
56 **regarding lesson activities, discussions, electronic communications, and**
57 **plagiarism are stated to teachers, instructors, and students prior to the**
58 **beginning of the virtual course or virtual program;**

59 **(5) Computer system requirements, including hardware, web**
60 **browser, and software, are specified to participants;**

61 **(6) The virtual course or virtual program architecture, software,**
62 **and hardware permit the online teacher or instructor to add content,**
63 **activities, and assessments to extend learning opportunities;**

64 **(7) The virtual course or virtual program makes resources**
65 **available by alternative means, including but not limited to, video and**
66 **podcasts;**

67 **(8) Resources and notes are available for teachers and instructors**
68 **in addition to assessment and assignment answers and explanations;**

69 **(9) Technical support and course management are available to the**
70 **virtual course or virtual program teacher and school coordinator;**

71 **(10) The virtual course or virtual program includes assignments,**
72 **projects, and assessments that are aligned with students' different**
73 **visual, auditory, and hands-on learning styles;**

74 **(11) Demonstrates the ability to effectively use and incorporate**
75 **subject-specific and developmentally appropriate software in an online**
76 **learning module; and**

77 **(12) Arranges media and content to help transfer knowledge most**
78 **effectively in the online environment.**

79 **6. Any special school district shall count any student's attendance**
80 **in a virtual course or program in the same manner as any other course**
81 **or program.**

2 **7. A school district or charter school may contract with multiple**
3 **providers of virtual courses or virtual programs, provided they meet the**
4 **criteria for virtual courses or virtual programs under this section.**

163.011. As used in this chapter unless the context requires otherwise:

2 (1) "Adjusted operating levy", the sum of tax rates for the current year for
3 teachers' and incidental funds for a school district as reported to the proper officer
4 of each county pursuant to section 164.011, RSMo;

5 (2) "Average daily attendance", the quotient or the sum of the quotients
6 obtained by dividing the total number of hours attended in a term by resident
7 pupils between the ages of five and twenty-one by the actual number of hours
8 school was in session in that term. To the average daily attendance of the
9 following school term shall be added the full-time equivalent average daily
10 attendance of summer school students. "Full-time equivalent average daily
11 attendance of summer school students" shall be computed by dividing the total
12 number of hours, except for physical education hours that do not count as credit
13 toward graduation for students in grades nine, ten, eleven, and twelve, attended
14 by all summer school pupils by the number of hours required in section 160.011,
15 RSMo, in the school term. For purposes of determining average daily attendance
16 under this subdivision, the term "resident pupil" shall include all children between
17 the ages of five and twenty-one who are residents of the school district and who
18 are attending kindergarten through grade twelve in such district. If a child is
19 attending school in a district other than the district of residence and the child's
20 parent is teaching in the school district or is a regular employee of the school
21 district which the child is attending, then such child shall be considered a resident
22 pupil of the school district which the child is attending for such period of time
23 when the district of residence is not otherwise liable for tuition. Average daily
24 attendance for students below the age of five years for which a school district may
25 receive state aid based on such attendance shall be computed as regular school
26 term attendance unless otherwise provided by law;

27 (3) "Current operating expenditures":

28 (a) For the fiscal year 2007 calculation, "current operating expenditures"
29 shall be calculated using data from fiscal year 2004 and shall be calculated as all
30 expenditures for instruction and support services except capital outlay and debt
31 service expenditures minus the revenue from federal categorical sources; food
32 service; student activities; categorical payments for transportation costs pursuant
33 to section 163.161; state reimbursements for early childhood special education; the

34 career ladder entitlement for the district, as provided for in sections 168.500 to
35 168.515, RSMo; the vocational education entitlement for the district, as provided
36 for in section 167.332, RSMo; and payments from other districts;

37 (b) In every fiscal year subsequent to fiscal year 2007, current operating
38 expenditures shall be the amount in paragraph (a) **of this subdivision** plus any
39 increases in state funding pursuant to sections 163.031 and 163.043 subsequent
40 to fiscal year 2005, not to exceed five percent, per recalculation, of the state
41 revenue received by a district in the 2004-05 school year from the foundation
42 formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and
43 free textbook payments for any district from the first preceding calculation of the
44 state adequacy target. **Beginning on July 1, 2010, current operating**
45 **expenditures shall be the amount in paragraph (a) of this subdivision**
46 **plus any increases in state funding pursuant to sections 163.031 and**
47 **163.043 subsequent to fiscal year 2005 received by a district in the**
48 **2004-05 school year from the foundation formula, line 14, gifted,**
49 **remedial reading, exceptional pupil aid, fair share, and free textbook**
50 **payments for any district from the first preceding calculation of the**
51 **state adequacy target;**

52 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect
53 subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling
54 shall not contain any tax levy for debt service;

55 (5) "Dollar-value modifier", an index of the relative purchasing power of a
56 dollar, calculated as one plus fifteen percent of the difference of the regional wage
57 ratio minus one, provided that the dollar value modifier shall not be applied at a
58 rate less than 1.0:

59 (a) "County wage per job", the total county wage and salary disbursements
60 divided by the total county wage and salary employment for each county and the
61 city of St. Louis as reported by the Bureau of Economic Analysis of the United
62 States Department of Commerce for the fourth year preceding the payment year;

63 (b) "Regional wage per job":

64 a. The total Missouri wage and salary disbursements of the metropolitan
65 area as defined by the Office of Management and Budget divided by the total
66 Missouri metropolitan wage and salary employment for the metropolitan area for
67 the county signified in the school district number or the city of St. Louis, as
68 reported by the Bureau of Economic Analysis of the United States Department of
69 Commerce for the fourth year preceding the payment year and recalculated upon

70 every decennial census to incorporate counties that are newly added to the
71 description of metropolitan areas; or if no such metropolitan area is established,
72 then:

73 b. The total Missouri wage and salary disbursements of the micropolitan
74 area as defined by the Office of Management and Budget divided by the total
75 Missouri micropolitan wage and salary employment for the micropolitan area for
76 the county signified in the school district number, as reported by the Bureau of
77 Economic Analysis of the United States Department of Commerce for the fourth
78 year preceding the payment year, if a micropolitan area for such county has been
79 established and recalculated upon every decennial census to incorporate counties
80 that are newly added to the description of micropolitan areas; or

81 c. If a county is not part of a metropolitan or micropolitan area as
82 established by the Office of Management and Budget, then the county wage per
83 job, as defined in paragraph (a) of this subdivision, shall be used for the school
84 district, as signified by the school district number;

85 (c) "Regional wage ratio", the ratio of the regional wage per job divided by
86 the state median wage per job;

87 (d) "State median wage per job", the fifty-eighth highest county wage per
88 job;

89 (6) "Free and reduced lunch pupil count", the number of pupils eligible for
90 free and reduced lunch on the last Wednesday in January for the preceding school
91 year who were enrolled as students of the district, as approved by the department
92 in accordance with applicable federal regulations;

93 (7) "Free and reduced lunch threshold" shall be calculated by dividing the
94 total free and reduced lunch pupil count of every performance district that falls
95 entirely above the bottom five percent and entirely below the top five percent of
96 average daily attendance, when such districts are rank-ordered based on their
97 current operating expenditures per average daily attendance, by the total average
98 daily attendance of all included performance districts;

99 (8) **"Gifted education pupil count", the number of pupils who**
100 **qualify as "gifted" under the definition of "gifted children" in section**
101 **162.675, RSMo, and who are enrolled in a gifted education program**
102 **provided by the district on the last Wednesday in January for the**
103 **immediately preceding academic year but not to exceed five percent of**
104 **the district's immediately preceding academic year enrollment; provided**
105 **that this subdivision shall not be construed to limit any district from**

106 **identifying or in any manner providing gifted education services to**
107 **more than five percent of the district's enrolled pupils;**

108 **(9)** "Limited English proficiency pupil count", the number in the preceding
109 school year of pupils aged three through twenty-one enrolled or preparing to enroll
110 in an elementary school or secondary school who were not born in the United
111 States or whose native language is a language other than English or are Native
112 American or Alaskan native, or a native resident of the outlying areas, and come
113 from an environment where a language other than English has had a significant
114 impact on such individuals' level of English language proficiency, or are migratory,
115 whose native language is a language other than English, and who come from an
116 environment where a language other than English is dominant; and have
117 difficulties in speaking, reading, writing, or understanding the English language
118 sufficient to deny such individuals the ability to meet the state's proficient level
119 of achievement on state assessments described in Public Law 107-10, the ability
120 to achieve successfully in classrooms where the language of instruction is English,
121 or the opportunity to participate fully in society;

122 **[(9)] (10)** "Limited English proficiency threshold" shall be calculated by
123 dividing the total limited English proficiency pupil count of every performance
124 district that falls entirely above the bottom five percent and entirely below the top
125 five percent of average daily attendance, when such districts are rank-ordered
126 based on their current operating expenditures per average daily attendance, by the
127 total average daily attendance of all included performance districts;

128 **[(10)] (11)** "Local effort":

129 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as
130 the equalized assessed valuation of the property of a school district in calendar
131 year 2004 divided by one hundred and multiplied by the performance levy less the
132 percentage retained by the county assessor and collector plus one hundred percent
133 of the amount received in fiscal year 2005 for school purposes from intangible
134 taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed
135 railroad and utility tax, one hundred percent of the amount received for school
136 purposes pursuant to the merchants' and manufacturers' taxes under sections
137 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school
138 purposes from federal properties under sections 12.070 and 12.080, RSMo, except
139 when such amounts are used in the calculation of federal impact aid pursuant to
140 P.L. 81-874, fifty percent of Proposition C revenues received for school purposes
141 from the school district trust fund under section 163.087, and one hundred percent

142 of any local earnings or income taxes received by the district for school
143 purposes. Under this paragraph, for a special district established under sections
144 162.815 to 162.940, RSMo, in a county with a charter form of government and with
145 more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the
146 performance levy for the special school district;

147 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the
148 amount calculated under paragraph (a) of this subdivision plus any increase in the
149 amount received for school purposes from fines. If a district's assessed valuation
150 has decreased subsequent to the calculation outlined in paragraph (a) of this
151 subdivision, the district's local effort shall be calculated using the district's current
152 assessed valuation in lieu of the assessed valuation utilized in ~~the~~ calculation
153 outlined in paragraph (a) of this subdivision;

154 [(11)] (12) "Membership" shall be the average of:

155 (a) The number of resident full-time students and the full-time equivalent
156 number of part-time students who were enrolled in the public schools of the
157 district on the last Wednesday in September of the previous year and who were
158 in attendance one day or more during the preceding ten school days; and

159 (b) The number of resident full-time students and the full-time equivalent
160 number of part-time students who were enrolled in the public schools of the
161 district on the last Wednesday in January of the previous year and who were in
162 attendance one day or more during the preceding ten school days, plus the
163 full-time equivalent number of summer school pupils. "Full-time equivalent
164 number of part-time students" is determined by dividing the total number of hours
165 for which all part-time students are enrolled by the number of hours in the school
166 term. "Full-time equivalent number of summer school pupils" is determined by
167 dividing the total number of hours for which all summer school pupils were
168 enrolled by the number of hours required pursuant to section 160.011, RSMo, in
169 the school term. Only students eligible to be counted for average daily attendance
170 shall be counted for membership;

171 [(12)] (13) "Operating levy for school purposes", the sum of tax rates
172 levied for teachers' and incidental funds plus the operating levy or sales tax
173 equivalent pursuant to section 162.1100, RSMo, of any transitional school district
174 containing the school district, in the payment year, not including any equalized
175 operating levy for school purposes levied by a special school district in which the
176 district is located;

177 [(13)] (14) "Performance district", any district that has met all

178 performance standards and indicators as established by the department of
179 elementary and secondary education for purposes of accreditation under section
180 161.092, RSMo, and as reported on the final annual performance report for that
181 district each year;

182 [(14)] **(15)** "Performance levy", three dollars and forty-three cents;

183 [(15)] **(16)** "School purposes" pertains to teachers' and incidental funds;

184 [(16)] **(17)** "Special education pupil count", the number of public school
185 students with a current individualized education program and receiving services
186 from the resident district as of December first of the preceding school year, except
187 for special education services provided through a school district established under
188 sections 162.815 to 162.940, RSMo, in a county with a charter form of government
189 and with more than one million inhabitants, in which case the sum of the students
190 in each district within the county exceeding the special education threshold of each
191 respective district within the county shall be counted within the special district
192 and not in the district of residence for purposes of distributing the state aid
193 derived from the special education pupil count;

194 [(17)] **(18)** "Special education threshold" shall be calculated by dividing
195 the total special education pupil count of every performance district that falls
196 entirely above the bottom five percent and entirely below the top five percent of
197 average daily attendance, when such districts are rank-ordered based on their
198 current operating expenditures per average daily attendance, by the total average
199 daily attendance of all included performance districts;

200 [(18)] **(19)** "State adequacy target", the sum of the current operating
201 expenditures of every performance district that falls entirely above the bottom five
202 percent and entirely below the top five percent of average daily attendance, when
203 such districts are rank-ordered based on their current operating expenditures per
204 average daily attendance, divided by the total average daily attendance of all
205 included performance districts [plus the total amount of funds placed in the
206 schools first elementary and secondary education improvement fund in the
207 preceding fiscal year divided by the total average daily attendance of all school
208 districts for the preceding fiscal year]. The department of elementary and
209 secondary education shall first calculate the state adequacy target for fiscal year
210 2007 and recalculate the state adequacy target every two years using the most
211 current available data[; provided that the state adequacy target shall be
212 recalculated every year to reflect the per-pupil amount of funds placed in the
213 schools first elementary and secondary education improvement fund in the

214 preceding fiscal year]. The recalculation shall never result in a decrease from the
215 previous state adequacy target amount. Should a recalculation result in an
216 increase in the state adequacy target amount, fifty percent of that increase shall
217 be included in the state adequacy target amount in the year of recalculation, and
218 fifty percent of that increase shall be included in the state adequacy target amount
219 in the subsequent year. The state adequacy target may be adjusted to
220 accommodate available appropriations;

221 [(19)] **(20)** "Teacher", any teacher, teacher-secretary, substitute teacher,
222 supervisor, principal, supervising principal, superintendent or assistant
223 superintendent, school nurse, social worker, counselor or librarian who shall,
224 regularly, teach or be employed for no higher than grade twelve more than
225 one-half time in the public schools and who is certified under the laws governing
226 the certification of teachers in Missouri;

227 [(20)] **(21)** "Weighted average daily attendance", the average daily
228 attendance plus the product of twenty-five hundredths multiplied by the free and
229 reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus
230 the product of seventy-five hundredths multiplied by the number of special
231 education pupil count that exceeds the special education threshold, [and] plus the
232 product of six-tenths multiplied by the number of limited English proficiency pupil
233 count that exceeds the limited English proficiency threshold, **and beginning**
234 **July 1, 2010, plus the product of twenty-five hundredths multiplied by**
235 **the number of the district's gifted education pupil count.** For special
236 districts established under sections 162.815 to 162.940, RSMo, in a county with a
237 charter form of government and with more than one million inhabitants, weighted
238 average daily attendance shall be the average daily attendance plus the product
239 of twenty-five hundredths multiplied by the free and reduced lunch pupil count
240 that exceeds the free and reduced lunch threshold, plus the product of seventy-five
241 hundredths multiplied by the sum of the special education pupil count that
242 exceeds the threshold for each county district, plus the product of six-tenths
243 multiplied by the limited English proficiency pupil count that exceeds the limited
244 English proficiency threshold. None of the districts comprising a special district
245 established under sections 162.815 to 162.940, RSMo, in a county with a charter
246 form of government and with more than one million inhabitants, shall use any
247 special education pupil count in calculating their weighted average daily
248 attendance.

163.043. 1. For fiscal year 2007 and each subsequent fiscal year, the

2 "Classroom Trust Fund", which is hereby created in the state treasury, shall be
3 distributed by the state board of education to each school district in this state
4 qualified to receive state aid pursuant to section 163.021 on an average daily
5 attendance basis.

6 2. The moneys distributed pursuant to this section shall be spent at the
7 discretion of the local school district. The moneys may be used by the district for:

- 8 (1) Teacher recruitment, retention, salaries, or professional development;
- 9 (2) School construction, renovation, or leasing;
- 10 (3) Technology enhancements or textbooks or instructional materials;
- 11 (4) School safety; or
- 12 (5) Supplying additional funding for required programs, both state and
13 federal.

14 3. The classroom trust fund shall consist of all moneys transferred to it
15 under section 160.534, RSMo, all moneys otherwise appropriated or donated to it,
16 and, notwithstanding any other provision of law to the contrary, all unclaimed
17 lottery prize money.

18 4. The provisions of this section shall not apply to any option district as
19 defined in section 163.042.

20 **5. For the 2010-2011 school year and for each subsequent year, all**
21 **proceeds a school district receives from the classroom trust fund in**
22 **excess of the amount the district received from the classroom trust fund**
23 **in the 2009-2010 school year shall be placed to the credit of the district's**
24 **teachers' and incidental funds.**

163.095. For any district in the county with a charter form of
2 **government and with more than one million inhabitants that in calendar**
3 **year 2005 (school year 2005-2006) erroneously set a levy in the capital**
4 **projects fund rather than the incidental fund and reported the capital**
5 **projects amount to the county for which the county issued tax notices**
6 **and the district received taxes for calendar year 2005, the department**
7 **of elementary and secondary education shall calculate the amount the**
8 **district would have received in state school aid for fiscal year 2006 had**
9 **the district placed the levy in the incidental fund rather than the capital**
10 **projects fund and use this revised 2005-2006 calculated funding amount**
11 **in the distribution of state school aid for fiscal year 2007 and**
12 **subsequent years. The sum of the amounts due to the school district in**
13 **state school aid after recalculation for fiscal years 2007, 2008, 2009, and**

14 2010, shall be divided and distributed to the school district in equal
15 amounts in fiscal years 2010, 2011, 2012, and 2013. The calculation shall
16 not change the actual funding due the district for the 2005-2006 school
17 year.

167.018. 1. Sections 167.018 and 167.019 shall be known and may
2 be cited as the "Foster Care Education Bill of Rights".

3 2. Each school district shall designate a staff person as the
4 educational liaison for foster care children. The liaison shall do all of
5 the following in an advisory capacity:

6 (1) Ensure and facilitate the proper educational placement,
7 enrollment in school, and checkout from school of foster children;

8 (2) Assist foster care pupils when transferring from one school to
9 another or from one school district to another, by ensuring proper
10 transfer of credits, records, and grades;

11 (3) Request school records, as provided in section 167.022, within
12 two business days of placement of a foster care pupil in a school; and

13 (4) Submit school records of foster care pupils within three
14 business days of receiving a request for school records, under
15 subdivision (3) of this subsection.

167.019. 1. A child placing agency, as defined under section
2 210.481, RSMo, shall promote educational stability for foster care
3 children by considering the child's school attendance area when making
4 placement decisions. The foster care pupil shall have the right to
5 remain enrolled in and attend his or her school of origin pending
6 resolution of school placement disputes.

7 2. Each school district shall accept for credit full or partial
8 course work satisfactorily completed by a pupil while attending a public
9 school, nonpublic school, or nonsectarian school in accordance with
10 district policies or regulations.

11 3. If a pupil completes the graduation requirements of his or her
12 school district of residence while under the jurisdiction of the juvenile
13 court as described in chapter 211, RSMo, the school district of residence
14 shall issue a diploma to the pupil.

15 4. School districts shall ensure that if a pupil in foster care is
16 absent from school due to a decision to change the placement of a pupil
17 made by a court or child placing agency, or due to a verified court
18 appearance or related court-ordered activity, the grades and credits of

19 the pupil shall be calculated as of the date the pupil left school, and no
20 lowering of his or her grades shall occur as a result of the absence of
21 the pupil under these circumstances.

22 5. School districts, subject to federal law, shall be authorized to
23 permit access of pupil school records to any child placing agency for the
24 purpose of fulfilling educational case management responsibilities
25 required by the juvenile officer or by law and to assist with the school
26 transfer or placement of a pupil.

27 6. Any rule or portion of a rule, as that term is defined in section
28 536.010, RSMo, that is created under the authority delegated in this
29 section shall become effective only if it complies with and is subject to
30 all of the provisions of chapter 536, RSMo, and, if applicable, section
31 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
32 and if any of the powers vested with the general assembly pursuant to
33 chapter 536, RSMo, to review, to delay the effective date, or to
34 disapprove and annul a rule are subsequently held unconstitutional,
35 then the grant of rulemaking authority and any rule proposed or
36 adopted after August 28, 2009, shall be invalid and void.

167.126. 1. Children who are admitted to programs or facilities of the
2 department of mental health or whose domicile is one school district in Missouri
3 but who reside in another school district in Missouri as a result of placement
4 arranged by or approved by the department of mental health, the department of
5 social services or placement arranged by or ordered by a court of competent
6 jurisdiction shall have a right to be provided the educational services as provided
7 by law and shall not be denied admission to any appropriate regular public school
8 or special school district program or program operated by the state board of
9 education, as the case may be, where the child actually resides because of such
10 admission or placement; provided, however, that nothing in this section shall
11 prevent the department of mental health, the department of social services or a
12 court of competent jurisdiction from otherwise providing or procuring educational
13 services for such child.

14 2. Each school district or special school district constituting the domicile
15 of any child for whom educational services are provided or procured under this
16 section shall pay toward the per-pupil costs for educational services for such child.
17 A school district which is not a special school district shall pay an amount equal
18 to the average sum produced per child by the local tax effort of the district of

19 domicile. A special school district shall pay an amount not to exceed the average
20 sum produced per child by the local tax efforts of the domiciliary districts.

21 3. When educational services have been provided by the school district or
22 special school district in which a child actually resides, **including a child who**
23 **temporarily resides in a children's hospital licensed under chapter 197,**
24 **RSMo, for rendering health care services to children under the age of**
25 **eighteen for more than three days**, other than the district of domicile, the
26 amounts as provided in subsection 2 **of this section** for which the domiciliary
27 school district or special school district is responsible shall be paid by such district
28 directly to the serving district. The school district, or special school district, as the
29 case may be, shall send a written voucher for payment to the regular or special
30 district constituting the domicile of the child served and the domiciliary school
31 district or special school district receiving such voucher shall pay the district
32 providing or procuring the services an amount not to exceed the average sum
33 produced per child by the local tax efforts of the domiciliary districts. In the event
34 the responsible district fails to pay the appropriate amount to the district within
35 ninety days after a voucher is submitted, the state department of elementary and
36 secondary education shall deduct the appropriate amount due from the next
37 payments of any state financial aid due that district and shall pay the same to the
38 appropriate district.

39 4. In cases where a child whose domicile is in one district is placed in
40 programs or facilities operated by the department of mental health or resides in
41 another district pursuant to assignment by that department or is placed by the
42 department of social services or a court of competent jurisdiction into any type of
43 publicly contracted residential site in Missouri, the department of elementary and
44 secondary education shall, as soon as funds are appropriated, pay the serving
45 district from funds appropriated for that purpose the amount by which the
46 per-pupil costs of the educational services exceeds the amounts received from the
47 domiciliary district except that any other state money received by the serving
48 district by virtue of rendering such service shall reduce the balance due.

49 5. Institutions providing a place of residence for children whose parents
50 or guardians do not reside in the district in which the institution is located shall
51 have authority to enroll such children in a program in the district or special
52 district in which the institution is located and such enrollment shall be subject to
53 the provisions of subsections 2 and 3 of this section. The provisions of this
54 subsection shall not apply to placement authorized pursuant to subsection 1 of this

55 section or if the placement occurred for the sole purpose of enrollment in the
56 district or special district. "Institution" as used in this subsection means a facility
57 organized under the laws of Missouri for the purpose of providing care and
58 treatment of juveniles.

59 6. Children residing in institutions providing a place of residence for three
60 or more such children whose domicile is not in the state of Missouri may be
61 admitted to schools or programs provided on a contractual basis between the
62 school district, special district or state department or agency and the proper
63 department or agency, or persons in the state where domicile is maintained. Such
64 contracts shall not be permitted to place any financial burden whatsoever upon the
65 state of Missouri, its political subdivisions, school districts or taxpayers.

66 7. For purposes of this section the domicile of the child shall be the school
67 district where the child would have been educated if the child had not been placed
68 in a different school district. No provision of this section shall be construed to
69 deny any child domiciled in Missouri appropriate and necessary, gratuitous public
70 services.

71 8. For the purpose of distributing state aid under section 163.031, RSMo,
72 a child receiving educational services provided by the district in which the child
73 actually resides, other than the district of domicile, shall be included in average
74 daily attendance, as defined under section 163.011, RSMo, of the district providing
75 the educational services for the child.

76 9. Each school district or special school district where the child actually
77 resides, other than the district of domicile, may receive payment from the
78 department of elementary and secondary education, in lieu of receiving the local
79 tax effort from the domiciliary school district. Such payments from the
80 department shall be subject to appropriation and shall only be made for children
81 that have been placed in a school other than the domiciliary school district by a
82 state agency or a court of competent jurisdiction and from whom excess
83 educational costs are billed to the department of elementary and secondary
84 education.

167.275. 1. Effective January 1, 1991, all public and nonpublic secondary
2 schools shall report to the state literacy hot line office in Jefferson City the name,
3 mailing address and telephone number of all students sixteen years of age or older
4 who drop out of school for any reason other than to attend another school, college
5 or university, or enlist in the armed services. Such reports shall be made either
6 by using the telephone hot line number or on forms developed by the department

7 of elementary and secondary education. Upon such notification, the state literacy
8 hot line office shall contact the student who has been reported and refer that
9 student to the nearest location that provides adult basic education instruction
10 leading to the completion of a general educational development certificate.

11 **2. All records and reports from or based upon the reports**
12 **required by this section shall be made available by free electronic**
13 **record on the department's web site or otherwise on the first business**
14 **day of each month. The names of the students who drop out and any**
15 **other information which might identify such students shall not be**
16 **included in the records and reports made available by free electronic**
17 **media.**

168.021. 1. Certificates of license to teach in the public schools of the state
2 shall be granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it:

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state
7 board with advice from the advisory council established by section 168.015 to any
8 individual who presents to the state board a valid doctoral degree from an
9 accredited institution of higher education accredited by a regional accrediting
10 association such as North Central Association. Such certificate shall be limited
11 to the major area of postgraduate study of the holder, shall be issued only after
12 successful completion of the examination required for graduation pursuant to rules
13 adopted by the state board of education, and shall be restricted to those
14 certificates established pursuant to subdivision (1) of subsection 3 of this section;

15 (3) By the state board, which shall issue the professional certificate
16 classification in both the general and specialized areas most closely aligned with
17 the current areas of certification approved by the state board, commensurate with
18 the years of teaching experience of the applicant, and based upon the following
19 criteria:

20 (a) Recommendation of a state-approved baccalaureate-level teacher
21 preparation program;

22 (b) Successful attainment of the Missouri qualifying score on the exit
23 assessment for teachers or administrators designated by the state board of
24 education. Applicants who have not successfully achieved a qualifying score on
25 the designated examinations will be issued a two-year nonrenewable provisional

26 certificate; and

27 (c) Upon completion of a background check and possession of a valid
28 teaching certificate in the state from which the applicant's teacher preparation
29 program was completed; [or]

30 (4) **By the state board, under rules prescribed by it, on the basis**
31 **of a relevant bachelor's degree, or higher degree, and a passing score for**
32 **the designated exit examination, for individuals whose academic degree**
33 **and professional experience are suitable to provide a basis for**
34 **instruction solely in the subject matter of banking or financial**
35 **responsibility, at the discretion of the state board. Such certificate shall**
36 **be limited to the major area of study of the holder and shall be**
37 **restricted to those certificates established under subdivision (1) of**
38 **subsection 3 of this section. Holders of certificates granted under this**
39 **subdivision shall be exempt from the teacher tenure act under sections**
40 **168.102 to 168.130 and each school district shall have the decision-**
41 **making authority on whether to hire the holders of such certificates; or**

42 (5) By the state board, under rules and regulations prescribed by it, on the
43 basis of certification by the American Board for Certification of Teacher Excellence
44 (ABCTE) and verification of ability to work with children as demonstrated by sixty
45 contact hours in any one of the following areas as validated by the school
46 principal: sixty contact hours in the classroom, of which at least forty-five must
47 be teaching; sixty contact hours as a substitute teacher, with at least thirty
48 consecutive hours in the same classroom; sixty contact hours of teaching in a
49 private school; or sixty contact hours of teaching as a paraprofessional, for an
50 initial four-year ABCTE certificate of license to teach, except that such certificate
51 shall not be granted for the areas of early childhood education, elementary
52 education, or special education. Upon the completion of the requirements listed
53 in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible
54 to apply for a career continuous professional certificate under subdivision (2) of
55 subsection 3 of this section:

56 (a) Completion of thirty contact hours of professional development within
57 four years, which may include hours spent in class in an appropriate college
58 curriculum;

59 (b) Validated completion of two years of the mentoring program of the
60 American Board for Certification of Teacher Excellence or a district mentoring
61 program approved by the state board of education;

- 62 (c) Attainment of a successful performance-based teacher evaluation; and
63 (d) Participate in a beginning teacher assistance program.

64 2. All valid teaching certificates issued pursuant to law or state board
65 policies and regulations prior to September 1, 1988, shall be exempt from the
66 professional development requirements of this section and shall continue in effect
67 until they expire, are revoked or suspended, as provided by law. When such
68 certificates are required to be renewed, the state board or its designee shall grant
69 to each holder of such a certificate the certificate most nearly equivalent to the one
70 so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or
71 continuous professional certificate shall, upon expiration of his or her current
72 certificate, be issued the appropriate level of certificate based upon the
73 classification system established pursuant to subsection 3 of this section.

74 3. Certificates of license to teach in the public schools of the state shall be
75 based upon minimum requirements prescribed by the state board of
76 education. The state board shall provide for the following levels of professional
77 certification: an initial professional certificate and a career continuous
78 professional certificate.

79 (1) The initial professional certificate shall be issued upon completion of
80 requirements established by the state board of education and shall be valid based
81 upon verification of actual teaching within a specified time period established by
82 the state board of education. The state board shall require holders of the four-year
83 initial professional certificate to:

84 (a) Participate in a mentoring program approved and provided by the
85 district for a minimum of two years;

86 (b) Complete thirty contact hours of professional development, which may
87 include hours spent in class in an appropriate college curriculum, **or for holders**
88 **of a certificate under subdivision (4) of subsection 1 of this section, an**
89 **amount of professional development in proportion to the certificate**
90 **holder's hours in the classroom, if the certificate holder is employed less**
91 **than full-time; and**

92 (c) Participate in a beginning teacher assistance program;

93 (2) (a) The career continuous professional certificate shall be issued upon
94 verification of completion of four years of teaching under the initial professional
95 certificate and upon verification of the completion of the requirements articulated
96 in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs
97 (a), (b), (c), and (d) of subdivision [(4)] (5) of subsection 1 of this section.

98 (b) The career continuous professional certificate shall be continuous based
99 upon verification of actual employment in an educational position as provided for
100 in state board guidelines and completion of fifteen contact hours of professional
101 development per year which may include hours spent in class in an appropriate
102 college curriculum. Should the possessor of a valid career continuous professional
103 certificate fail, in any given year, to meet the fifteen-hour professional
104 development requirement, the possessor may, within two years, make up the
105 missing hours. In order to make up for missing hours, the possessor shall first
106 complete the fifteen-hour requirement for the current year and then may count
107 hours in excess of the current year requirement as make-up hours. Should the
108 possessor fail to make up the missing hours within two years, the certificate shall
109 become inactive. In order to reactivate the certificate, the possessor shall complete
110 twenty-four contact hours of professional development which may include hours
111 spent in the classroom in an appropriate college curriculum within the six months
112 prior to or after reactivating his or her certificate. The requirements of this
113 paragraph shall be monitored and verified by the local school district which
114 employs the holder of the career continuous professional certificate.

115 (c) A holder of a career continuous professional certificate shall be exempt
116 from the professional development contact hour requirements of paragraph (b) of
117 this subdivision if such teacher has a local professional development plan in place
118 within such teacher's school district and meets two of the three following criteria:

- 119 a. Has ten years of teaching experience as defined by the state board of
120 education;
- 121 b. Possesses a master's degree; or
- 122 c. Obtains a rigorous national certification as approved by the state board
123 of education.

124 4. Policies and procedures shall be established by which a teacher who was
125 not retained due to a reduction in force may retain the current level of
126 certification. There shall also be established policies and procedures allowing a
127 teacher who has not been employed in an educational position for three years or
128 more to reactivate his or her last level of certification by completing twenty-four
129 contact hours of professional development which may include hours spent in the
130 classroom in an appropriate college curriculum within the six months prior to or
131 after reactivating his or her certificate.

132 5. The state board shall, upon an appropriate background check, issue a
133 professional certificate classification in the areas most closely aligned with an

134 applicant's current areas of certification, commensurate with the years of teaching
135 experience of the applicant, to any person who is hired to teach in a public school
136 in this state and who possesses a valid teaching certificate from another state **or**
137 **certification under subdivision (4) of subsection 1 of this section,**
138 provided that the certificate holder shall annually complete the state board's
139 requirements for such level of certification, and shall establish policies by which
140 residents of states other than the state of Missouri may be assessed a fee for a
141 certificate license to teach in the public schools of Missouri. Such fee shall be in
142 an amount sufficient to recover any or all costs associated with the issuing of a
143 certificate of license to teach. The board shall promulgate rules to authorize the
144 issuance of a provisional certificate of license, which shall allow the holder to
145 assume classroom duties pending the completion of a criminal background check
146 under section 168.133, for any applicant who:

- 147 (1) Is the spouse of a member of the armed forces stationed in Missouri;
- 148 (2) Relocated from another state within one year of the date of application;
- 149 (3) Underwent a criminal background check in order to be issued a
150 teaching certificate of license from another state; and
- 151 (4) Otherwise qualifies under this section.

152 6. The state board may assess to holders of an initial professional
153 certificate a fee, to be deposited into the excellence in education revolving fund
154 established pursuant to section 160.268, RSMo, for the issuance of the career
155 continuous professional certificate. However, such fee shall not exceed the
156 combined costs of issuance and any criminal background check required as a
157 condition of issuance. Applicants for the initial ABCTE certificate shall be
158 responsible for any fees associated with the program leading to the issuance of the
159 certificate, but nothing in this section shall prohibit a district from developing a
160 policy that permits fee reimbursement.

161 7. Any member of the public school retirement system of Missouri who
162 entered covered employment with ten or more years of educational experience in
163 another state or states and held a certificate issued by another state and
164 subsequently worked in a school district covered by the public school retirement
165 system of Missouri for ten or more years who later became certificated in Missouri
166 shall have that certificate dated back to his or her original date of employment in
167 a Missouri public school.

168 8. The provisions of subdivision [(4)] (5) of subsection 1 of this section, as
169 well as any other provision of this section relating to the American Board for

170 Certification of Teacher Excellence, shall terminate on August 28, 2014.

168.221. 1. The first five years of employment of all teachers entering the
2 employment of the metropolitan school district shall be deemed a period of
3 probation during which period all appointments of teachers shall expire at the end
4 of each school year. During the probationary period any probationary teacher
5 whose work is unsatisfactory shall be furnished by the superintendent of schools
6 with a written statement setting forth the nature of his incompetency. If
7 improvement satisfactory to the superintendent is not made within one semester
8 after the receipt of the statement, the probationary teacher shall be
9 dismissed. The semester granted the probationary teacher in which to improve
10 shall not in any case be a means of prolonging the probationary period beyond five
11 years and six months from the date on which the teacher entered the employ of the
12 board of education. The superintendent of schools on or before the fifteenth day
13 of April in each year shall notify probationary teachers who will not be retained
14 by the school district of the termination of their services. Any probationary
15 teacher who is not so notified shall be deemed to have been appointed for the next
16 school year. Any principal who prior to becoming a principal had attained
17 permanent employee status as a teacher shall upon ceasing to be a principal have
18 a right to resume his or her permanent teacher position with the time served as
19 a principal being treated as if such time had been served as a teacher for the
20 purpose of calculating seniority and pay scale. The rights and duties and
21 remuneration of a teacher who was formerly a principal shall be the same as any
22 other teacher with the same level of qualifications and time of service.

23 2. After completion of satisfactory probationary services, appointments of
24 teachers shall become permanent, subject to removal for any one or more causes
25 herein described and to the right of the board to terminate the services of all who
26 attain the age of compulsory retirement fixed by the retirement system. In
27 determining the duration of the probationary period of employment in this section
28 specified, the time of service rendered as a substitute teacher shall not be
29 included.

30 3. No teacher whose appointment has become permanent may be removed
31 except for one or more of the following causes: immorality, inefficiency in line of
32 duty, violation of the published regulations of the school district, violation of the
33 laws of Missouri governing the public schools of the state, or physical or mental
34 condition which incapacitates him for instructing or associating with children, and
35 then only by a vote of not less than a majority of all the members of the board,

36 upon written charges presented by the superintendent of schools, to be heard by
37 the board after thirty days' notice, with copy of the charges served upon the person
38 against whom they are preferred, who shall have the privilege of being present,
39 together with counsel, offering evidence and making defense thereto. Notifications
40 received by an employee during a vacation period shall be considered as received
41 on the first day of the school term following. At the request of any person so
42 charged the hearing shall be public. The action and decision of the board upon the
43 charges shall be final. Pending the hearing of the charges, the person charged
44 may be suspended if the rules of the board so prescribe, but in the event the board
45 does not by a majority vote of all the members remove the teacher upon charges
46 presented by the superintendent, the person shall not suffer any loss of salary by
47 reason of the suspension. Inefficiency in line of duty is cause for dismissal only
48 after the teacher has been notified in writing at least one semester prior to the
49 presentment of charges against him by the superintendent. The notification shall
50 specify the nature of the inefficiency with such particularity as to enable the
51 teacher to be informed of the nature of his inefficiency.

52 4. No teacher whose appointment has become permanent shall be demoted
53 nor shall his salary be reduced unless the same procedure is followed as herein
54 stated for the removal of the teacher because of inefficiency in line of duty, and
55 any teacher whose salary is reduced or who is demoted may waive the
56 presentment of charges against him by the superintendent and a hearing thereon
57 by the board. The foregoing provision shall apply only to permanent teachers prior
58 to the compulsory retirement age under the retirement system. Nothing herein
59 contained shall in any way restrict or limit the power of the board of education to
60 make reductions in the number of teachers or principals, or both, because of
61 insufficient funds, decrease in pupil enrollment, or abolition of particular subjects
62 or courses of instruction, except that the abolition of particular subjects or courses
63 of instruction shall not cause those teachers who have been teaching the subjects
64 or giving the courses of instruction to be placed on leave of absence as herein
65 provided who are qualified to teach other subjects or courses of instruction, if
66 positions are available for the teachers in the other subjects or courses of
67 instruction.

68 5. Whenever it is necessary to decrease the number of teachers because of
69 insufficient funds or a substantial decrease of pupil population within the school
70 district, the board of education upon recommendation of the superintendent of
71 schools may cause the necessary number of teachers beginning with those serving

72 probationary periods to be placed on leave of absence without pay, but only in the
73 inverse order of their appointment. Nothing herein stated shall prevent a
74 readjustment by the board of education of existing salary schedules. No teacher
75 placed on a leave of absence shall be precluded from securing other employment
76 during the period of the leave of absence. Each teacher placed on leave of absence
77 shall be reinstated in inverse order of his placement on leave of absence. Such
78 reemployment shall not result in a loss of status or credit for previous years of
79 service. No new appointments shall be made while there are available teachers
80 on leave of absence who are seventy years of age or less and who are adequately
81 qualified to fill the vacancy unless the teachers fail to advise the superintendent
82 of schools within thirty days from the date of notification by the superintendent
83 of schools that positions are available to them that they will return to employment
84 and will assume the duties of the position to which appointed not later than the
85 beginning of the school year next following the date of the notice by the
86 superintendent of schools.

87 6. If any regulation which deals with the promotion of [either] teachers is
88 amended by increasing the qualifications necessary to be met before a teacher is
89 eligible for promotion, the amendment shall fix an effective date which shall allow
90 a reasonable length of time within which teachers may become qualified for
91 promotion under the regulations.

92 **7. A teacher whose appointment has become permanent may give**
93 **up the right to a permanent appointment to participate in the teacher**
94 **choice compensation package under sections 168.745 to 168.750.**

168.745. 1. There is hereby created the "Teacher Choice
2 **Compensation Package" to permit performance-based salary stipends**
3 **upon the decision of the teacher in a metropolitan school district as**
4 **described in section 168.747, to reward teachers for objectively**
5 **demonstrated superior performance.**

6 **2. There is hereby created the "Teacher Choice Compensation**
7 **Fund" in the state treasury. The fund shall be administered by the**
8 **department of elementary and secondary education. The state treasurer**
9 **shall be custodian of the fund and may approve disbursements from the**
10 **fund in accordance with sections 30.170 and 30.180, RSMo.**

11 **3. The teacher choice compensation fund shall consist of all**
12 **moneys transferred to it under this section, and all moneys otherwise**
13 **appropriated to or donated to it. Notwithstanding the provisions of**

14 section 33.080, RSMo, to the contrary, any moneys remaining in the fund
15 at the end of the biennium shall not revert to the credit of the general
16 revenue fund. The state treasurer shall invest moneys in the fund in the
17 same manner as other funds are invested. Any interest and moneys
18 earned on such investments shall be credited to the fund.

19 4. The general assembly shall annually appropriate five million
20 dollars to the fund created in this section.

168.747. 1. To be eligible for the teacher choice compensation
2 package, all classroom personnel in a metropolitan school district
3 reported as a code forty, fifty, or sixty through the core data system of
4 the department of elementary and secondary education shall opt out of
5 his or her indefinite contract under section 168.221 for the duration of
6 employment with the district. A teacher may decide to end his or her
7 eligibility for the teacher choice stipend but may not resume permanent
8 teacher status with that district. A probationary teacher may opt out of
9 consideration for a permanent contract in the second or subsequent
10 years of employment by the district to participate in the teacher choice
11 compensation package but may not return to permanent status in that
12 district or resume the process for qualification for an indefinite
13 contract in that district. A teacher who has chosen the teacher choice
14 compensation package and changes employment to another district may
15 choose to resume the process for qualification for an indefinite contract
16 in that district. The teacher choice compensation package shall only be
17 available for teachers in a metropolitan school district.

18 2. Teachers shall qualify annually in October for the stipends
19 described in section 168.749. Stipends shall be offered in five thousand
20 dollar increments, up to fifteen thousand dollars, but shall not exceed
21 fifty percent of a teacher's base salary, before deductions for retirement
22 but including designated pay for additional duties such as coaching,
23 sponsoring, or mentoring. Any stipend received under section 168.749
24 shall be in addition to the base salary to which the teacher would
25 otherwise be entitled. Teachers receiving the stipend shall receive any
26 pay and benefits received by teachers of similar training, experience,
27 and duties. Such stipends shall not be considered compensation for
28 retirement purposes.

29 3. Subject to appropriation, the department of elementary and
30 secondary education shall make a payment to the district in the amount

31 of the stipend, to be delivered as a lump sum in January following the
32 October of qualification. If the amount appropriated is not enough to
33 fund the total of five thousand dollar increment payments, the
34 department may prorate the payments.

35 4. Every person employed by the district in a teaching position,
36 regardless of the certification status of the person, who qualifies under
37 any of the indicators listed in section 168.749 is eligible for the teacher
38 choice compensation package. Teachers who are employed less than
39 full-time are eligible for teacher choice stipends on a pro-rated
40 basis. Any teacher who is dismissed for cause who has otherwise
41 qualified for a teacher choice stipend shall forfeit the stipend for that
42 year.

168.749. 1. Beginning with school year 2010-2011, teachers who
2 elect to participate in the teacher choice compensation package shall be
3 eligible for stipends based on the following criteria:

4 (1) Score on a value-added test instrument or instruments. Such
5 instruments shall be defined as those which give a reliable measurement
6 of the skills and knowledge transferred to students during the time they
7 are in a teacher's classroom and shall be selected by the school district
8 from one or more of the following assessments:

9 (a) A list of recognized value-added instruments developed by the
10 department of elementary and secondary education;

11 (b) Scores on the statewide assessments established under section
12 160.518, RSMo, may be used for this purpose, and the department of
13 elementary and secondary education shall develop a procedure for
14 identifying the value added by teachers that addresses the fact that not
15 all subjects are tested at all grade levels each year under the state
16 assessment program;

17 (c) Scores on annual tests required by the federal Elementary and
18 Secondary Education Act reauthorization of 2002 for third through
19 eighth grade may be used as value-added instruments if found
20 appropriate after consideration and approval by the state board of
21 education;

22 (d) A district may choose an instrument after a public hearing of
23 the district board of education on the matter, with the reasons for the
24 selection entered upon the minutes of the meeting; provided, however,
25 that this option shall not be available to districts after scores are

26 established for paragraphs (a), (b), and (c) of this subdivision;

27 (2) Evaluations by principals or other administrators with
28 expertise to evaluate classroom performance;

29 (3) Evaluations by parents and by students at their appropriate
30 developmental level.

31 Model instruments for these evaluations shall be developed or identified
32 by the department of elementary and secondary education. Districts
33 may use such models, may use other existing models, or may develop
34 their own instruments. A district that develops its own instrument shall
35 not use that instrument as its sole method of evaluation.

36 2. The department of elementary and secondary education shall
37 develop criteria for determining eligibility for stipend increments,
38 including a range of target scores on assessments for use by the
39 districts. The test-score options listed in subdivision (1) of subsection
40 1 of this section shall be given higher weight than the evaluation
41 options listed in subdivisions (2) and (3) of subsection 1 of this
42 section. The decision of individual districts about the qualifications for
43 each increment based on the evaluations listed in subdivisions (2) and
44 (3) of subsection 1 of this section and for value-added instruments for
45 which target scores have not been developed by the department of
46 elementary and secondary education may address the district's unique
47 characteristics but shall require demonstrably superior performance on
48 the part of the teacher, based primarily on improved student
49 achievement while taking into account classroom demographics
50 including but not limited to students' abilities, special needs, and class
51 size.

168.750. Any rule or portion of a rule, as that term is defined in
2 section 536.010, RSMo, that is created under the authority delegated in
3 sections 168.745 to 168.749 shall become effective only if it complies with
4 and is subject to all of the provisions of chapter 536, RSMo, and, if
5 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
6 are nonseverable and if any of the powers vested with the general
7 assembly pursuant to chapter 536, RSMo, to review, to delay the
8 effective date, or to disapprove and annul a rule are subsequently held
9 unconstitutional, then the grant of rulemaking authority and any rule
10 proposed or adopted after August 28, 2009, shall be invalid and void.

170.043. 1. Beginning with school year 2010-2011, each school

2 district shall ensure that:

3 (1) Physical education classes shall be required for students from
4 kindergarten to fifth grade and shall include at least one hundred fifty
5 minutes of movement each week, consistent with the recommendations
6 of the National Association for Sport and Physical Education as
7 approved by the American Heart Association;

8 (2) Each child for whom it is appropriate shall have available the
9 opportunity to participate in learning individual health self-assessment
10 skills, including but not limited to calculating body-mass index, resting
11 heart rate, perceived exertion levels, and target heart rate, and
12 participating in programs that demonstrate the effects of consistent
13 good choices such as exercise or food selection; and

14 (3) Students are encouraged in self-improvement and sustaining
15 healthy fitness levels. If a school or school district maintains a web
16 page, the school or district shall create a fitness page or other suitable
17 computer application for students to record their self-assessment
18 statistics. Any such page shall provide an appropriate level of
19 protection of individual student records, consistent with the federal
20 Health Information Portability and Accountability Act.

21 2. School districts shall engage, where possible, in creating
22 community and business partnerships that will supply the resources to
23 reward schools for improved health status through their school health
24 councils, as required by the school wellness policy.

25 3. Each year the commissioner of education shall select for
26 recognition students, schools, and school districts that are considered
27 to have achieved improvement in fitness.

170.400. Any and all equipment and educational materials
2 necessary for successful participation in supplemental educational
3 services programming shall not be deemed an incentive for the purposes
4 of compliance with department of elementary and secondary education
5 rules and regulations for supplemental educational services provider
6 certification. The department of elementary and secondary education
7 shall not prohibit providers of supplemental and educational services
8 from allowing students to retain instructional equipment, including
9 computers, used by them upon successful completion of supplemental
10 and educational services.

171.031. 1. Each school board shall prepare annually a calendar for the

2 school term, specifying the opening date and providing a minimum term of at least
3 one hundred seventy-four days and one thousand forty-four hours of actual pupil
4 attendance. In addition, such calendar shall include six make-up days for possible
5 loss of attendance due to inclement weather as defined in subsection 1 of section
6 171.033.

7 2. Each local school district [may] **shall** set its opening date each year,
8 which date shall be [no earlier than] **at least fourteen calendar days after**
9 **notification of parents as to the determination of students' eligibility for**
10 **public school choice options pursuant to the federal No Child Left**
11 **Behind Act and regulations promulgated thereunder but no earlier than**
12 ten calendar days prior to the first Monday in September. No public school
13 district shall select an earlier start date unless the district follows the procedure
14 set forth in subsection 3 of this section. **A school district that sets its**
15 **opening date more than ten days prior to the first Monday in September**
16 **as provided in subsection 3 of this section shall still comply with the**
17 **fourteen day notification period described in this subsection.**

18 3. A district may set an opening date that is more than ten calendar days
19 prior to the first Monday in September only if the local school board first gives
20 public notice of a public meeting to discuss the proposal of opening school on a
21 date more than ten days prior to the first Monday in September, and the local
22 school board holds said meeting and, at the same public meeting, a majority of the
23 board votes to allow an earlier opening date. If all of the previous conditions are
24 met, the district may set its opening date more than ten calendar days prior to the
25 first Monday in September. The condition provided in this subsection must be
26 satisfied by the local school board each year that the board proposes an opening
27 date more than ten days before the first Monday in September.

28 4. If any local district violates the provisions of this section, the
29 department of elementary and secondary education shall withhold an amount
30 equal to one quarter of the state funding the district generated under section
31 163.031, RSMo, for each date the district was in violation of this section.

32 5. The provisions of subsections 2 to 4 of this section shall not apply to
33 school districts in which school is in session for twelve months of each calendar
34 year.

35 6. The state board of education may grant an exemption from this section
36 to a school district that demonstrates highly unusual and extenuating
37 circumstances justifying exemption from the provisions of subsections 2 to 4 of this

38 section. Any exemption granted by the state board of education shall be valid for
39 one academic year only.

40 7. No school day shall be longer than seven hours except for vocational
41 schools which may adopt an eight-hour day in a metropolitan school district and
42 a school district in a first class county adjacent to a city not within a county.

177.088. 1. As used in this section, the following terms shall mean:

2 (1) "Board", the board of education, board of trustees, board of regents, or
3 board of governors of an educational institution;

4 (2) "Educational institution", any school district, including all community
5 college districts, and any state college or university organized under chapter 174,
6 RSMo.

7 2. The board of any educational institution may enter into agreements as
8 authorized in this section with a not-for-profit corporation formed under the
9 general not-for-profit corporation law of Missouri, chapter 355, RSMo, in order to
10 provide for the acquisition, construction, improvement, extension, repair,
11 remodeling, renovation and financing of sites, buildings, facilities, furnishings and
12 equipment for the use of the educational institution for educational purposes.

13 3. The board may on such terms as it shall approve:

14 (1) Lease from the corporation sites, buildings, facilities, furnishings and
15 equipment which the corporation has acquired or constructed; or

16 (2) Notwithstanding the provisions of this chapter or any other provision
17 of law to the contrary, sell or lease at fair market value, which may be determined
18 by appraisal, to the corporation any existing sites owned by the educational
19 institution, together with any existing buildings and facilities thereon, in order for
20 the corporation to acquire, construct, improve, extend, repair, remodel, renovate,
21 furnish and equip buildings and facilities thereon, and then lease back or purchase
22 such sites, buildings and facilities from the corporation; provided that upon selling
23 or leasing the sites, buildings or facilities, the corporation agrees to enter into a
24 lease for not more than one year but with not more than twenty-five successive
25 options by the educational institution to renew the lease under the same
26 conditions; and provided further that the corporation agrees to convey or sell the
27 sites, buildings or facilities, including any improvements, extensions, renovations,
28 furnishings or equipment, back to the educational institution with clear title at the
29 end of the period of successive one-year options or at any time bonds, notes or
30 other obligations issued by the corporation to pay for the improvements,
31 extensions, renovations, furnishings or equipment have been paid and discharged.

32 4. Any consideration, promissory note or deed of trust which an
33 educational institution receives for selling or leasing property to a not-for-profit
34 corporation pursuant to this section shall be placed in a separate fund or in
35 escrow, and neither the principal or any interest thereon shall be commingled with
36 any other funds of the educational institutions. At such time as the title or deed
37 for property acquired, constructed, improved, extended, repaired, remodeled or
38 renovated under this section is conveyed to the educational institution, the
39 consideration shall be returned to the corporation.

40 5. The board may make rental payments to the corporation under such
41 leases out of its general funds or out of any other available funds, provided that
42 in no event shall the educational institution become indebted in an amount
43 exceeding in any year the income and revenue of the educational institution for
44 such year plus any unencumbered balances from previous years.

45 6. Any bonds, notes and other obligations issued by a corporation to pay
46 for the acquisition, construction, improvements, extensions, repairs, remodeling
47 or renovations of sites, buildings and facilities, pursuant to this section, may be
48 secured by a mortgage, pledge or deed of trust of the sites, buildings and facilities
49 and a pledge of the revenues received from the rental thereof to the educational
50 institution. Such bonds, notes and other obligations issued by a corporation shall
51 not be a debt of the educational institution and the educational institution shall
52 not be liable thereon, and in no event shall such bonds, notes or other obligations
53 be payable out of any funds or properties other than those acquired for the
54 purposes of this section, and such bonds, notes and obligations shall not constitute
55 an indebtedness of the educational institution within the meaning of any
56 constitutional or statutory debt limitation or restriction.

57 7. The interest on such bonds, notes and other obligations of the
58 corporation and the income therefrom shall be exempt from taxation by the state
59 and its political subdivisions, except for death and gift taxes on transfers. Sites,
60 buildings, facilities, furnishings and equipment owned by a corporation in
61 connection with any project pursuant to this section shall be exempt from taxation.

62 8. The board may make all other contracts or agreements with the
63 corporation necessary or convenient in connection with any project pursuant to
64 this section. The corporation shall comply with sections 290.210 to 290.340,
65 RSMo.

66 9. Notice that the board is considering a project pursuant to this section
67 shall be given by publication in a newspaper published within the county in which

68 all or a part of the educational institution is located which has general circulation
69 within the area of the educational institution, once a week for two consecutive
70 weeks, the last publication to be at least seven days prior to the date of the
71 meeting of the board at which such project will be considered and acted upon.

72 10. Provisions of other law to the contrary notwithstanding, the board may
73 refinance any lease purchase agreement that satisfies at least one of the
74 conditions specified in subsection 6 of section 165.011, RSMo, for the purpose of
75 payment on any lease with the corporation under this section for sites, buildings,
76 facilities, furnishings or equipment which the corporation has acquired or
77 constructed, but such refinance shall not extend the date of maturity of any
78 obligation, and the refinancing obligation shall not exceed the amount necessary
79 to pay or provide for the payment of the principal of the outstanding obligations
80 to be refinanced, together with the interest accrued thereon to the date of maturity
81 or redemption of such obligations and any premium which may be due under the
82 terms of such obligations and any amounts necessary for the payments of costs
83 and expenses related to issuing such refunding obligations and to fund a capital
84 projects reserve fund for the obligations.

85 11. Provisions of other law to the contrary notwithstanding, payments
86 made from any source by a school district, after the latter of July 1, 1994, or July
87 12, 1994, that result in the transfer of the title of real property to the school
88 district, other than those payments made from the capital projects fund, shall be
89 deducted as an adjustment to the funds payable to the district pursuant to section
90 163.031, RSMo, beginning in the year following the transfer of title to the district,
91 as determined by the department of elementary and secondary education. No
92 district with modular buildings leased in fiscal year 2004, with the lease payments
93 made from the incidental fund and that initiates the transfer of title to the district
94 after fiscal year 2007, shall have any adjustment to the funds payable to the
95 district under section 163.031, RSMo, as a result of the transfer of title.

96 12. **Notwithstanding provisions of this section to the contrary, the**
97 **board of education of any school district may enter into agreements**
98 **with the county in which the school district is located, or with a city,**
99 **town, or village wholly or partially located within the boundaries of the**
100 **school district, in order to provide for the acquisition, construction,**
101 **improvement, extension, repair, remodeling, renovation, and financing**
102 **of sites, buildings, facilities, furnishings, and equipment for the use of**
103 **the school district for educational purposes. Such an agreement may**

104 provide for the present or future acquisition of an ownership interest
105 in such facilities by the school district, by lease, lease purchase
106 agreement, option to purchase agreement, or similar provisions, and
107 may provide for a joint venture between the school district and other
108 entity or entities that are parties to such an agreement providing for the
109 sharing of the costs of acquisition, construction, repair, maintenance,
110 and operation of such facilities. The school district may wholly own
111 such facilities, or may acquire a partial ownership interest along with
112 the county, city, town, or village with which the agreement was
113 executed.

210.1050. 1. For purposes of this section, for pupils in foster care
2 or children placed for treatment in a licensed residential care facility
3 by the department of social services, "full school day" shall mean six
4 hours in which the child is under the guidance and direction of teachers
5 in the educational process.

6 2. Each pupil in foster care or child placed for treatment in a
7 licensed residential care facility by the department of social services
8 shall be entitled to a full school day of education unless the school
9 district determines that fewer hours are warranted.

10 3. The commissioner of education, or his or her designee, shall be
11 an ombudsman to assist the family support team and the school district
12 as they work together to meet the needs of children placed for treatment
13 in a licensed residential care facility by the department of social
14 services. The ombudsman shall have the final decision over
15 discrepancies regarding school day length. A full school day of
16 education shall be provided pending the ombudsman's final decision.

17 4. Nothing in this section shall be construed to infringe upon the
18 rights or due process provisions of the federal Individuals with
19 Disabilities Education Act. The provisions of the Individuals with
20 Disabilities Education Act shall apply and control in decisions regarding
21 school day. Nothing in this section shall be construed to deny any child
22 domiciled in Missouri appropriate and necessary free public education
23 services.

313.822. A tax is imposed on the adjusted gross receipts received from
2 gambling games authorized pursuant to sections 313.800 to 313.850 at the rate of
3 twenty-one percent. The taxes imposed by this section shall be returned to the
4 commission in accordance with the commission's rules and regulations who shall

5 transfer such taxes to the director of revenue. All checks and drafts remitted for
6 payment of these taxes and fees shall be made payable to the director of revenue.
7 If the commission is not satisfied with the return or payment made by any
8 licensee, it is hereby authorized and empowered to make an assessment of the
9 amount due based upon any information within its possession or that shall come
10 into its possession. Any licensee against whom an assessment is made by the
11 commission may petition for a reassessment. The request for reassessment shall
12 be made within twenty days from the date the assessment was mailed or delivered
13 to the licensee, whichever is earlier. Whereupon the commission shall give notice
14 of a hearing for reassessment and fix the date upon which the hearing shall be
15 held. The assessment shall become final if a request for reassessment is not
16 received by the commission within the twenty days. Except as provided in this
17 section, on and after April 29, 1993, all functions incident to the administration,
18 collection, enforcement, and operation of the tax imposed by sections 144.010 to
19 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

20 (1) Each excursion gambling boat shall designate a city or county as its
21 home dock. The home dock city or county may enter into agreements with other
22 cities or counties authorized pursuant to subsection 10 of section 313.812 to share
23 revenue obtained pursuant to this section. The home dock city or county shall
24 receive ten percent of the adjusted gross receipts tax collections, as levied
25 pursuant to this section, for use in providing services necessary for the safety of
26 the public visiting an excursion gambling boat. Such home dock city or county
27 shall annually submit to the commission a shared revenue agreement with any
28 other city or county. All moneys owed the home dock city or county shall be
29 deposited and distributed to such city or county in accordance with rules and
30 regulations of the commission. All revenues provided for in this section to be
31 transferred to the governing body of any city not within a county and any city with
32 a population of over three hundred fifty thousand inhabitants shall not be
33 considered state funds and shall be deposited in such city's general revenue fund
34 to be expended as provided for in this section.

35 (2) The remaining amount of the adjusted gross receipts tax shall be
36 deposited in the state treasury to the credit of the "Gaming Proceeds for Education
37 Fund" which is hereby created in the state treasury. Moneys deposited in this
38 fund shall be kept separate from the general revenue fund as well as any other
39 funds or accounts in the state treasury, shall be used solely for education pursuant
40 to the Missouri Constitution and shall be considered the proceeds of excursion boat

41 gambling and state funds pursuant to article IV, section 15 of the Missouri
42 Constitution. All interest received on the gaming proceeds for education fund
43 shall be credited to the gaming proceeds for education fund. Appropriation of the
44 moneys deposited into the gaming proceeds for education fund shall be pursuant
45 to state law.

46 (3) The state auditor shall perform an annual audit of the gaming proceeds
47 for education fund [and the schools first elementary and secondary education
48 improvement fund], which shall include the evaluation of whether appropriations
49 for elementary and secondary education have increased and are being used as
50 intended [by this act]. The state auditor shall make copies of each audit available
51 to the public and to the general assembly.

**Section 1. No school district shall join any organization or entity
2 that discriminates or prohibits home school students from participating
3 in music contests or debate contests. Home school students shall be
4 permitted to compete in music contests and debate contests in the same
5 manner as students of a public school district.**

**Section 2. 1. There is hereby created within the state treasury a
2 fund to be known as the "School Building Repair Fund", which shall
3 consist of all moneys that may be appropriated to it by the general
4 assembly, and in addition may include any gifts, contributions, grants,
5 or bequests received from federal, state, private, or other sources. The
6 fund shall be administered by the state board of education. The state
7 treasurer shall be custodian of the fund and may approve disbursements
8 from the fund in accordance with sections 30.170 and 30.180,
9 RSMo. Upon appropriation, moneys in the fund shall be used solely for
10 the administration of the school building repair fund. Notwithstanding
11 the provisions of section 33.080, RSMo, to the contrary, any moneys
12 remaining in the fund shall not revert to the credit of the general
13 revenue fund. The state treasurer shall invest moneys in the fund in the
14 same manner as other funds are invested. Any interest and moneys
15 earned on such investments shall be credited to the fund.**

**2. Moneys in the fund shall be distributed by the state board of
17 education to each school district in this state qualified to receive state
18 aid pursuant to section 163.021, RSMo, on an average daily attendance
19 basis.**

**[160.730. 1. Not less than twice each calendar year, the
2 commissioner of higher education, the chair of the coordinating**

board for higher education, the commissioner of education, the president of the state board of education, and the director of the department of economic development shall meet and discuss ways in which their respective departments may collaborate to achieve the policy goals as outlined in this section.

2. In order to create a more efficient and effective education system that more adequately prepares students for the challenges of entering the workforce, the persons and agencies outlined in subsection 1 of this section shall be responsible for accomplishing the following goals:

(1) Studying the potential for a state-coordinated economic/educational policy that addresses all levels of education;

(2) Determining where obstacles make state support of programs that cross institutional or jurisdictional boundaries difficult and suggesting remedies;

(3) Creating programs that:

(a) Intervene at known critical transition points, such as middle school to high school and the freshman year of college to help assure student success at the next level;

(b) Foster higher education faculty spending time in elementary and secondary classrooms and private workplaces, and elementary and secondary faculty spending time in general education-level higher education courses and private workplaces, with particular emphasis on secondary school faculty working with general education higher education faculty;

(c) Allow education stakeholders to collaborate with members of business and industry to foster policy alignment, professional interaction, and information systems across sectors;

(d) Regularly provide feedback to schools, colleges, and employers concerning the number of students requiring postsecondary remediation, whether in educational institutions or the workplace;

(4) Exploring ways to better align academic content, particularly between secondary school and first-year courses at public colleges and universities, which may include alignment between:

39 (a) Elementary and secondary assessments and public
40 college and university admission and placement standards; and

41 (b) Articulation agreements of programs across sectors and
42 educational levels.

43 3. No later than the first Wednesday after the first Monday
44 of January each year, the persons outlined in subsection 1 of this
45 section shall report jointly to the general assembly and to the
46 governor the actions taken by their agencies and their
47 recommendations for policy initiatives and legislative alterations to
48 achieve the policy goals as outlined in this section.]

[313.775. This act shall be known and may be cited as "The
2 Schools First Elementary and Secondary Education Funding
3 Initiative".]

[313.778. There is hereby created in the state treasury the
2 "Schools First Elementary and Secondary Education Improvement
3 Fund", which shall consist of taxes on excursion gambling boat
4 proceeds as provided in subsection 2 of section 160.534, RSMo, to be
5 used solely for the purpose of increasing funding for elementary and
6 secondary education. The schools first elementary and secondary
7 education improvement fund shall be state revenues collected from
8 gaming activities for purposes of article III, section 39(d) of the
9 constitution. Moneys in the schools first elementary and secondary
10 education improvement fund shall be kept separate from the general
11 revenue fund as well as any other funds or accounts in the state
12 treasury. The state treasurer shall be custodian of the fund and
13 may approve disbursements from the fund in accordance with
14 sections 30.170 and 30.180, RSMo. Notwithstanding the provisions
15 of section 33.080, RSMo, to the contrary, any moneys remaining in
16 the fund at the end of the biennium shall not revert to the credit of
17 the general revenue fund. The state treasurer shall invest moneys
18 in the fund in the same manner as other funds are invested. Any
19 interest and moneys earned on such investments shall be credited
20 to the fund.]

Section B. The repeal of section 313.778 of this act shall become effective
2 on July 1, 2010.

Section C. Because of the need to ensure adequate funding for our public

2 schools, the repeal of section 313.775 and the repeal and reenactment of sections
3 160.534, 163.011, 163.043, and 313.822 of section A of this act are deemed
4 necessary for the immediate preservation of the public health, welfare, peace and
5 safety, and is hereby declared to be an emergency act within the meaning of the
6 constitution, and the repeal of section 313.775 and the repeal and reenactment of
7 sections 160.534, 163.011, 163.043, and 313.822 of section A of this act shall be in
8 full force and effect on July 1, 2009, or upon its passage and approval, whichever
9 occurs later.

Unofficial ✓

Bill

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